

Midway City Council
6 April 2021
Regular Meeting

Farm Meadows Subdivision /
Preliminary and Final Approval



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: April 6, 2021

NAME OF PROJECT: Farm Meadows Density Reduction Subdivision

NAME OF APPLICANT: Berg Engineering

PROPERTY OWNER: Ryan Davis

AGENDA ITEM: Preliminary/Final Approval

LOCATION OF ITEM: 550 Pine Canyon Road

ZONING DESIGNATION: R-1-15 & R-1-22

ITEM: 9

Berg Engineering, agent for Ryan Davis, is requesting preliminary/final approval for a density reduction subdivision on 3.92 acres to be known as Farm Meadows Subdivision. The property is located at 550 Pine Canyon Road and is in the R-1-15 and R-1-22 zones.

BACKGROUND:

This request is for preliminary/final approval of a Density Reduction Subdivision (DRS) on 3.92 acres which will contain three lots. The proposed name of the subdivision is Farm Meadows. The proposal will help preserve the property by creating a low-density development with more open area than could be developed using the standard subdivision code which, in turn, helps retain the rural atmosphere of the area. Currently, there is one dwelling on the parcel along with several small outbuildings and the property is mostly being used for agriculture.

The DRS was adopted by the City Council on November 17, 2020. The purpose of the DRS is to incentivize developers to voluntarily reduce the number of home sites per acre in exchange for simplified development infrastructure requirements. The subdivision code also helps meet the General Plan's goals of preserving open space, lowering potential density, and preserving the rural atmosphere of Midway.

The DRS requires density to be reduced by 2/3 the density allowed by the zone. Lots can be created without requiring the construction of much of the cost prohibitive infrastructure but in return, the lots are deed restricted so that they can never be resubdivided. Access is allowed from a private driveway that connects to a City standard road. The ongoing maintenance cost to the City for this type of development is minimal since no new public roads are constructed.

LAND USE SUMMARY:

- 3.92-acre parcel
- R-1-15 & R-1-22 zoning
- Proposal contains three lots
 - Two lots would be recorded on the initial plat and there would be an option to subdivide the property to three lots
- Private driveway access for lots 2 and 3
- The lots will connect to Midway City's culinary water line, Midway Sanitation District's sewer line, and Midway Irrigation Company's secondary water line
- Planned bike lane along Pine Canyon Road
- Existing public trail and easement on the northeast side of the proposal

ANALYSIS:

Initial density of two lots, maximum density of three lots – Based on the City Council discussion on March 2, 2021, the applicant is proposing that the initial plat would contain two lots but there would be an option to create the third lot in the future. Both the plat and development agreement would describe the possibility of creating the third lot. The required deed restrictions would also reflect the possibility of the third lot in the future.

Access – Access for lots 1 and 3 will be from Pine Canyon Road and access for lot 2, with the existing dwelling, will remain from Farm Springs Road. A 30' wide easement will need to be placed on the plat across lot 1 to comply with access requirements. A 20' driveway will be built in the easement to comply with the DRS driveway requirements. Lot 3 must access from Pine Canyon, and not Farm Springs Road, because Farm Spring Road is already nonconforming to the code with 14 lots (13 from Farm Springs and lot 2 of the proposed Farm Meadows subdivision). 11 is the current maximum number of lots that can access from a one access road.

Culinary Water Connection – The lots will connect to the City's water lines located under Farm Springs Road and Pine Canyon Road.

Fire Flow - A fire hydrant will need to be located within 500' of any future dwellings, measured by the route of a fire hose from the fire hydrant to the future home site.

Secondary Water Connection – The property is currently connected to Midway Irrigation Company's water system and this will continue with the new development.

Sewer Connection – The lot will connect to Midway Sanitation District's lines located under Farm Springs Road and Pine Canyon Road.

Sensitive Lands – The application has not identified any sensitive lands on the property.

Density – Of the 3.92 acres, about 2.42 acres is in the R-1-15 zone and about 1.5 acres is in the R-1-22 zone. The R-1-15 zone allows one lot per acre. Therefore, 2.42 density is allowed on the acreage in the R-1-15 zone. The R-1-22 zone allows 0.7 lots per acre. Therefore, 1.05 density is allowed on the acreage in the R-1-22 zone. Based on the density for the two zones, three lots is the maximum density allowed in the subdivision.

Bike Lane – The master trail plan shows an 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 that will complete the bike lanes along the entirety of Pine Canyon Road. Other subdivisions along Pine Canyon Road have also had the same requirement.

Deed Restriction – The three lots on the 3.92 acres within the plat will be deed restricted so no further subdividing of any kind will be allowed within the subdivision plat. The density of the 3.92 acres will never be more than three dwellings, one per lot. A note will also be placed on the plat indicating the restriction. Deed restrictions will also be recorded towards the lots immediately after the plat is recorded so all future landowners will know of the restrictions before the property is purchased. The deed restriction language will state something similar to the following:

1. *Any further subdividing of the lot is prohibited.*

The deed restriction prohibiting further subdivision of the lots within the development is created for the benefit of all of the lots within the development, all of the neighboring lots to the development, and Midway City. This deed restriction cannot be altered in any way without written consent from all of the above. This deed restriction is a covenant that runs in perpetuity with the land, and it shall inure to the benefit of the owners of each lot within the development, the owners of neighboring lots of the development, and Midway City, including all parties' heirs, successors or assigns.

All future owners take title subject to this Deed Restriction and shall be bound by it.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner McKeon: I make a motion that we recommend approval of the preliminary/final application of the density reduction subdivision on 4.42 acres to be known as Farm Meadows Subdivision. The property is located at 550 Pine Canyon Road and is in the R-1-15 and R-1-22 zones. We will accept the findings from staff and the proposed conditions.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: McKeon, Garland, Simons, Bouwhuis and Cliften

Nays: None

Motion: Passed

WATER BOARD RECOMMENDATION:

The Water Board has recommended that 6.39 acre feet are dedicated to the City before the plat is recorded. The calculation is based on the three culinary connections and the following formula:

- 3.88 acres in lots (169,013 sq. ft.)
 - Impervious area for lots
 - 0.55 acres (3 x 8,000 sq. ft.)
 - Irrigated acreage
 - 3.33 acres x 3 = 9.99-acre feet
 - 3 culinary connections
 - 2.4-acre feet
- 12.39-acre feet requirement
 - 6-acre feet have been dedicated
- 6.39-acre feet must be dedicated

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 proposal does comply with the requirements for the Density Reduction Subdivision code.
- The subdivision helps comply with the vision stated in the General Plan to preserve open space and a rural atmosphere.
- The lots will be deed restricted so it can never be further subdivided.
- Two lots will be created initially with the option of creating a third lot in the future.

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds that the proposal complies with the intent of the land use code.
 - 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 the request does not comply with the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS:

- The deed restrictions that will be recorded towards the lots must be submitted to the City for review and recorded immediately after the plat is recorded.
- A note on the plat is included with language that clearly states that subdividing the lots is prohibited except for as outlined in the development agreement.
- 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 that will complete the bike lanes along the entirety of Pine Canyon Road.

February 9, 2021

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

Subject: Farm Meadows Subdivision – Preliminary / Final Approval

Dear Michael:

Horrocks Engineers recently reviewed the Farm Meadows subdivision plans for Preliminary/Final approval. The proposed subdivision is located at approximately 550 Pine Canyon Road. The proposed subdivision consists of 3 lots. The following comments should be addressed prior to City Council approval.

Water

- The proposed development will be served from the Gerber Mahogany Springs pressure zone.
- Lot 1 will connect to the existing water line within Pine Canyon. Lots 2 and 3 will connect to the existing water line within Farm Springs Lane.
- An 8" PVC line will need to be installed from Pine Canyon and tie into the 8" line that was a part of the Farm Springs development. The existing 10" transite line that was abandoned on the Farm Springs development will need to be removed and replaced or abandoned.

Roads

- A 30' driveway easement across lot 1 will need to be placed on the plat map for driveway access to lot 3.
- The right of way half width (28') of the Pine Canyon Road should be dedicated to the city along the frontage of the proposed development.

Storm Drain

- The existing shoulders will accommodate the storm drain for these lots.

Trails

- The cost of installing a 5' bike lane should be paid to the general trail fund. This money will be used to install future trails within the City.

Irrigation

- Lot 1 will connect to the existing pressurized line within Pine Canyon and lots 2 and 3 will connect off of Farm Springs Lane.

Please feel free to call our office with any questions.
Sincerely,

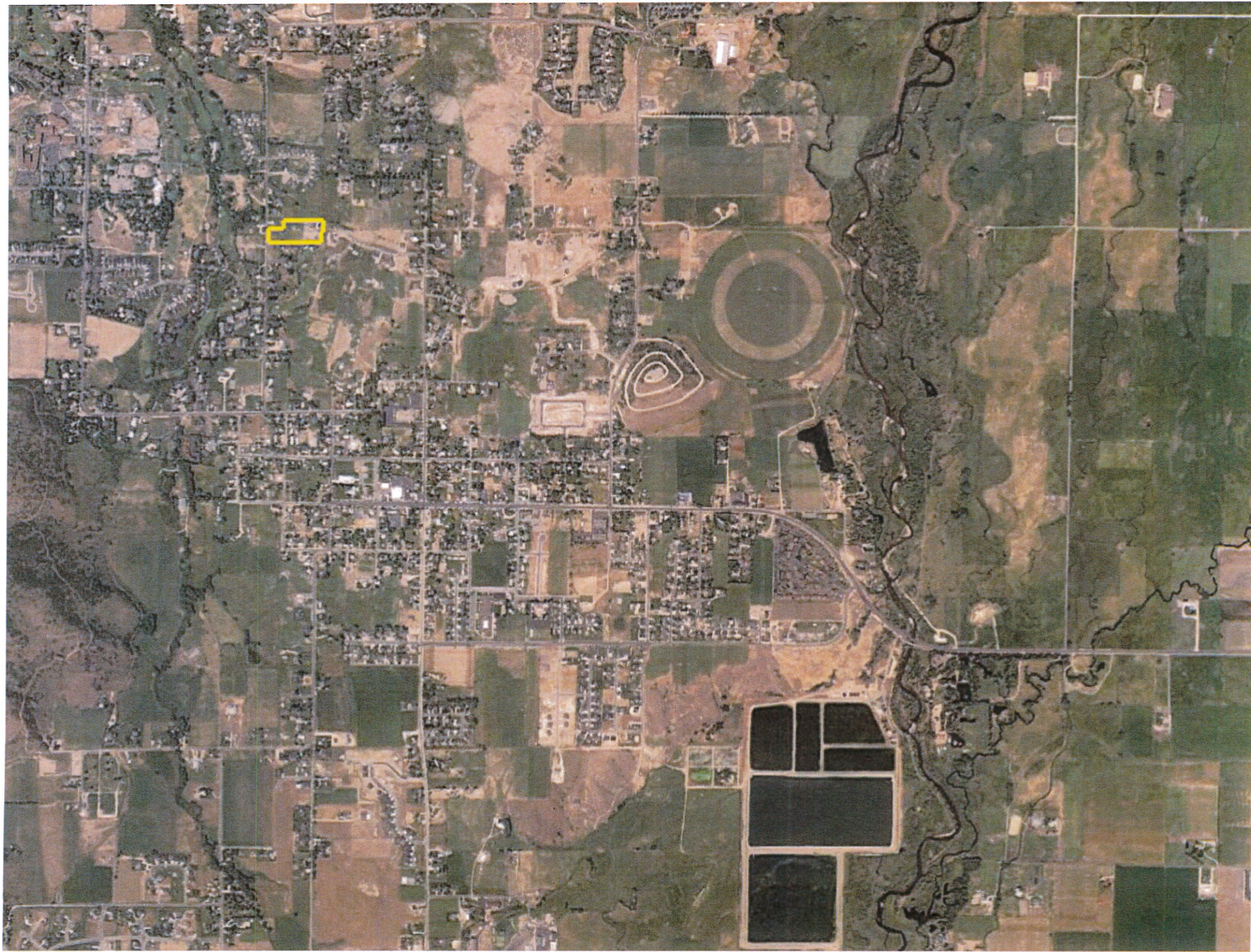
HORROCKS ENGINEERS



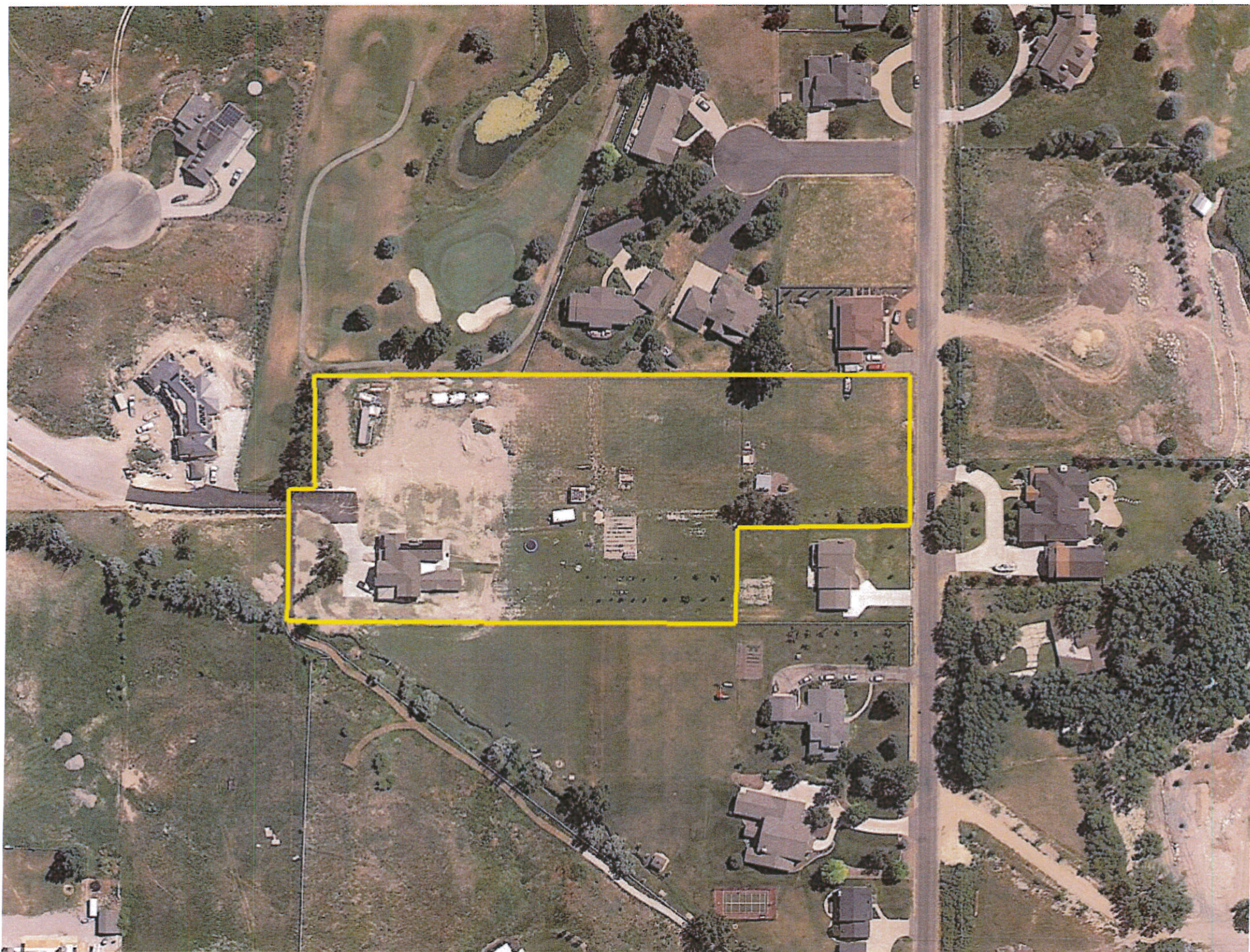
Wesley Johnson, P.E.
Midway City Engineer

cc: Paul Berg

Berg Engineering



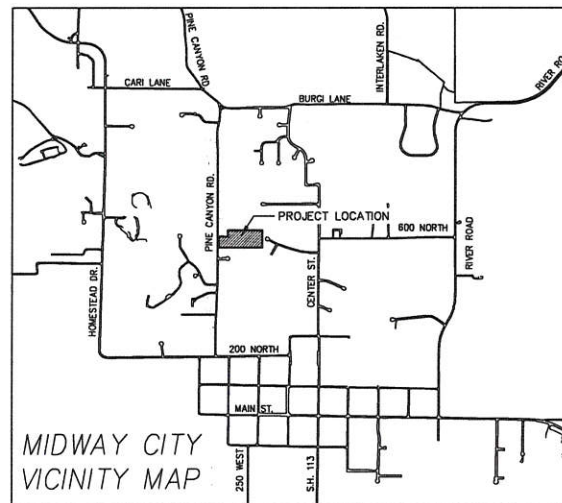




FARM MEADOWS

A DENSITY REDUCTION SUBDIVISION
REVISED FINAL APPLICATION

REVISION NOTE:
THIS PLAN SET HAS BEEN REVISED TO ADDRESS MIDWAY
CITY COUNCIL COMMENTS FROM MARCH 2, 2021



SHEET INDEX

1. EXISTING CONDITIONS PLAN
2. MASTER PLAN
3. PLAT
4. UTILITY PLAN

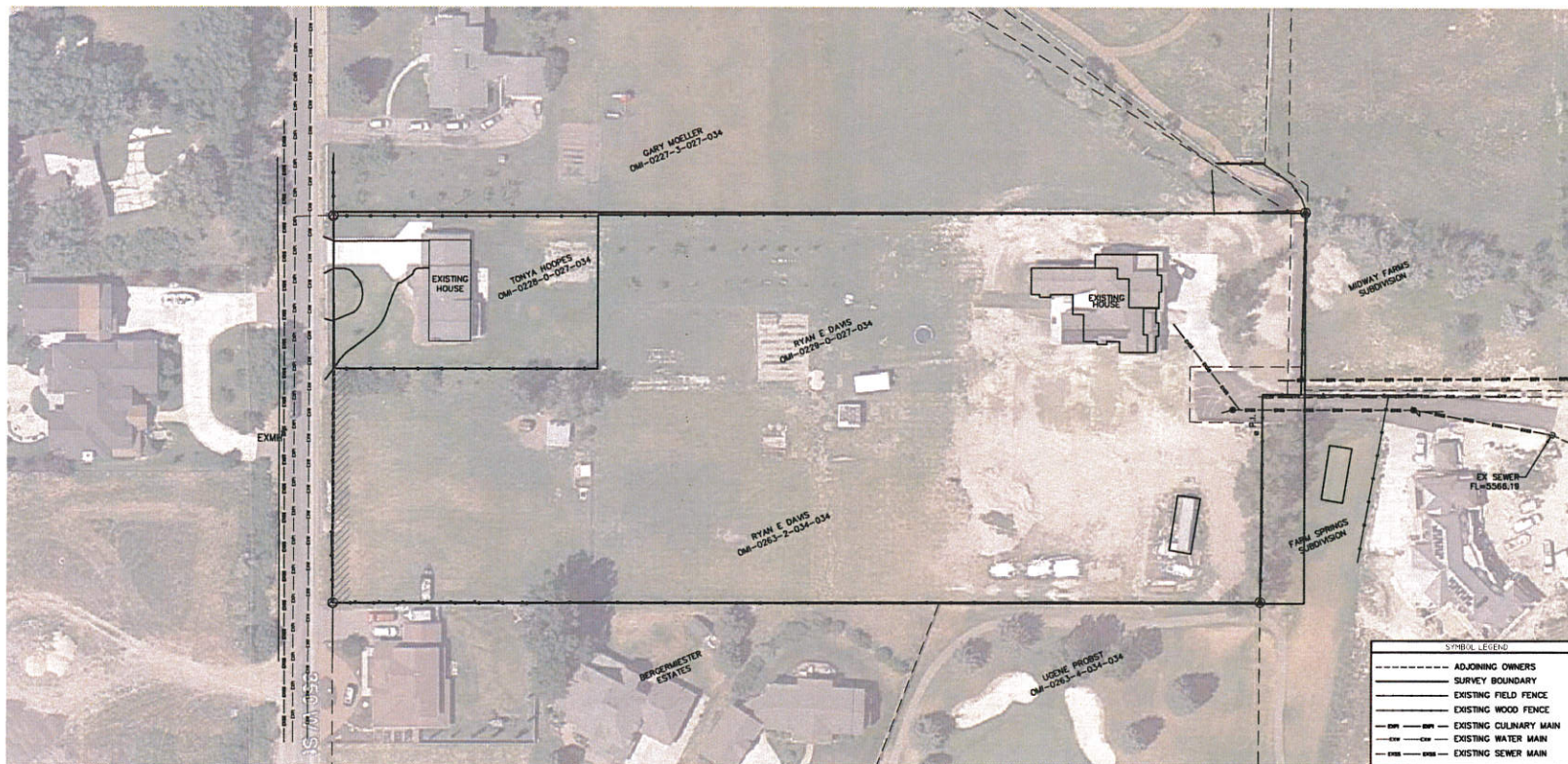
THIS DOCUMENT IS INCOMPLETE
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NOT INTENDED FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSES.
PAUL D. BERG P.E.
SERIAL NO. 200000
DATE 20 MAR 2021

RYAN DAVIS
FARM MEADOWS

COVER



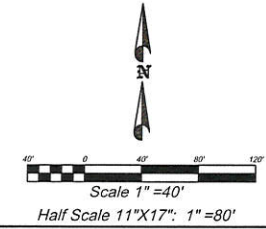
DESIGN BY: PDB DATE: 21 MAR 2021 SHEET: 0
DRAWN BY: DEJ REV: 0



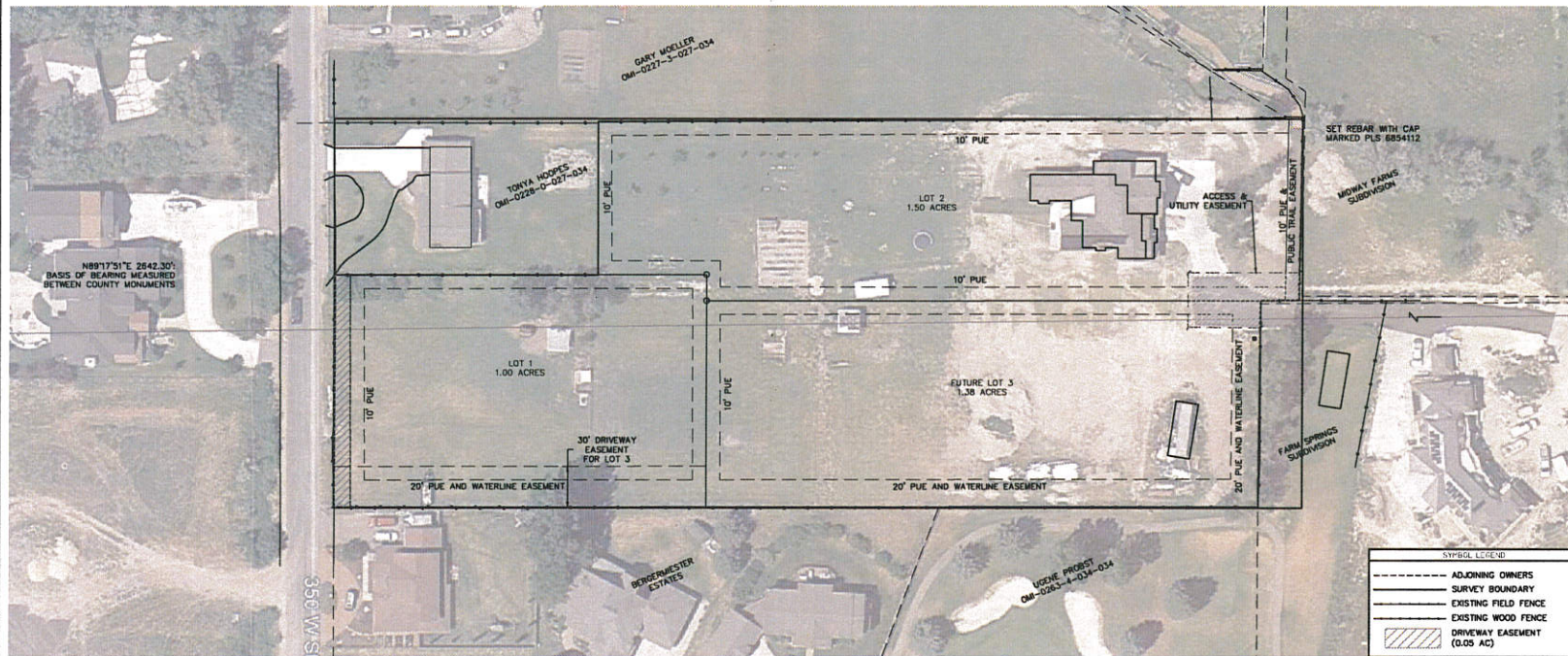
SYMBOL LEGEND	
---	ADJOINING OWNERS
---	SURVEY BOUNDARY
---	EXISTING FIELD FENCE
---	EXISTING WOOD FENCE
---	EXISTING CULINARY MAIN
---	EXISTING WATER MAIN
---	EXISTING SEWER MAIN

BLUE STAKE NOTE:
 LOCATION OF EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAKING OF UTILITIES.

THIS DOCUMENT IS INCOMPLETE AND IS RELEASED TEMPORARILY FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION, RECORD, OR FURTHER PURPOSES.
 PAUL D. BERG P.E.
 SERIAL NO. 200005
 DATE 28 MAR 2021

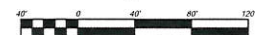


RYAN DAVIS FARM MEADOWS EXISTING CONDITIONS PLAN	
	
DESIGN BY: TDB	DATE: 24 MAR 2021
DRAWN BY: DEJ	REV: 1



SYMBOL LEGEND	
---	ADJOINING OWNERS
---	SURVEY BOUNDARY
---	EXISTING FIELD FENCE
---	EXISTING WOOD FENCE
---	DRIVEWAY EASEMENT (0.05 AC)

LOTS 2 AND 3 WILL BE COMBINE
INTO ONLY 1 LOT WITH PHASE 1



Scale 1"=40'
Half Scale 11"X17": 1"=80'

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AND IS RELEASED TEMPORARILY
FOR INTERVIEW ONLY. IT IS
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PAUL D. BERG P.E.
SERIAL NO. 280005
DATE 28 MAR 2021

RYAN DAVIS
FARM MEADOWS
MASTER
PLAN

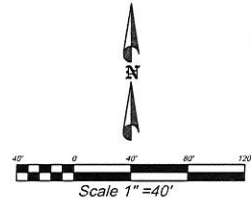
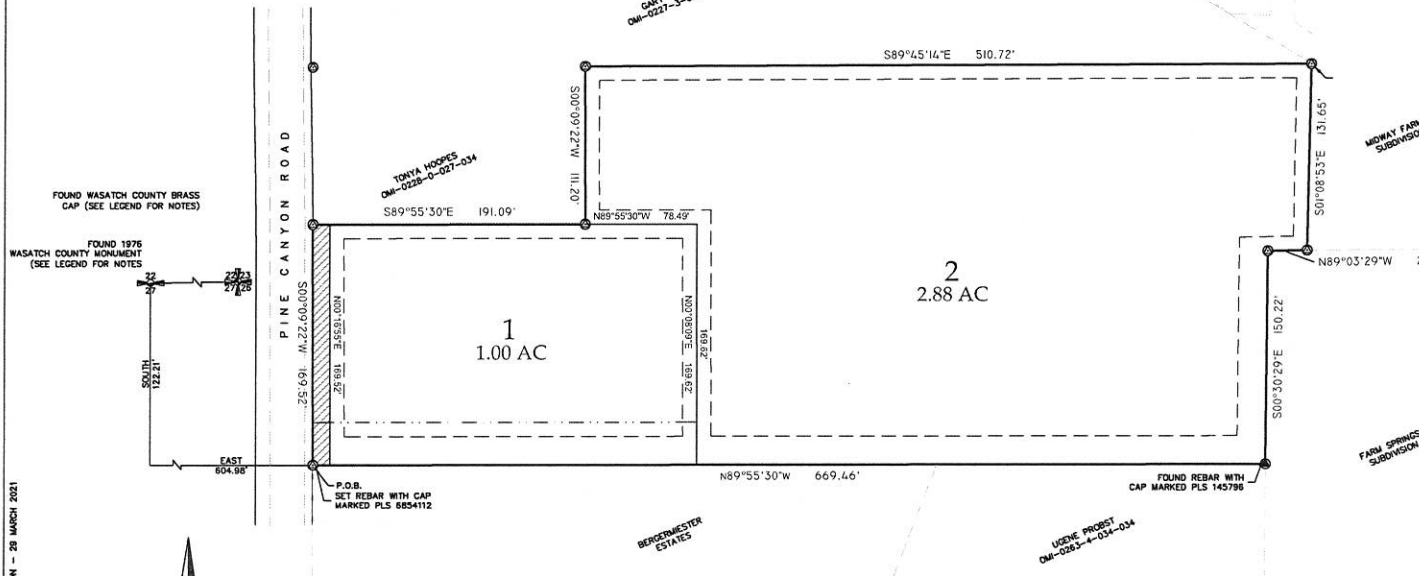
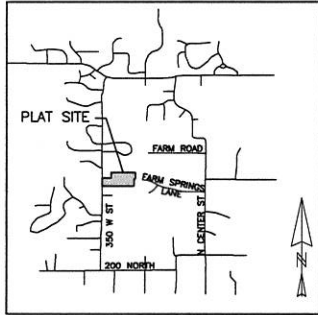


DESIGN BY: PDB DATE: 28 MAR 2021 SHEET: 2
DRAWN BY: DEL

FARM MEADOWS

A DENSITY REDUCTION SUBDIVISION
LOCATED IN A PORTION OF THE SOUTHWEST QUARTER SOUTHEAST
QUARTER, OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN

AN ADDITIONAL LOT MAY BE ADDED TO THIS
SUBDIVISION PER THE MASTER PLAN AND
DEVELOPMENT AGREEMENT WITH MIDWAY CITY



SYMBOL LEGEND

- DRIVEWAY EASEMENT
- ADJOINING OWNERS SURVEY BOUNDARY
- P.U.C.
- ⊙ SET REBAR WITH CAP (AS NOTED ON DRAWING)
- ⊙ FOUND REBAR WITH CAP (AS NOTED ON DRAWING)
- ⊕ FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
- ⊕ FOUND 1976 WASATCH COUNTY MONUMENT MARKING THE SOUTH 1/4 CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 89°17'51" EAST
A MEASURED DISTANCE OF 2842.30 FEET BETWEEN THE FOUND
1976 ASPEN MONUMENT MARKING THE SOUTH 1/4 CORNER OF SECTION
27 AND THE FOUND WASATCH COUNTY BRASS CAP MARKING THE
SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4
EAST, SALT LAKE BASE AND MERIDIAN.

COUNTY SURVEYOR'S CERTIFICATE

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

ROS# _____

COUNTY SURVEYOR

COUNTY RECORDER

DATE:

MIDWAY FORGATION COMPANY

DATE:

MIDWAY SANITATION DISTRICT

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-8A-803 OF THE UTAH CODE, I, TROY L. TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 8854112 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 BEHIND)

BOUNDARY DESCRIPTION

BEGINNING AT A FENCE CORNER ON THE EAST SIDE OF PINE CANYON ROAD, SAID POINT BEING LOCATED SOUTH 122.21 FEET AND EAST 804.98 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 89°27'30" WEST 191.09 FEET; THENCE NORTH 00°08'22" WEST 111.20 FEET TO A WOOD FENCE; THENCE SOUTH 01°08'53" WEST 131.85 FEET ALONG A FIELD FENCE; THENCE SOUTH 89°03'29" WEST 27.61 FEET ALONG A FIELD FENCE; THENCE SOUTH 00°03'29" WEST 150.22 FEET ALONG A FENCE LINE AND THE FARM SPRINGS SUBDIVISION TO A FOUND REBAR WITH CAP; THENCE SOUTH 89°03'30" WEST 669.46 FEET ALONG A FENCE LINE AND THE BURGERMEISTER ESTATES SUBDIVISION TO THE POINT OF BEGINNING.

CONTAINING: 3.83 ACRES

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, OWNER(S), RYAN E. DAVIS, 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____

RYAN E. DAVIS

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

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

PLANNING COMMISSION APPROVAL

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


PLANNING DIRECTOR CHAIRMAN, PLANNING COMMISSION

FARM MEADOWS

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH

SCALE: 1" = 40' FEET

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

To: Mayor Johnson and Steve Dougherty
From: Wes Johnson 
Date: March 26, 2021
Subject: Memo Regarding the Abandonment of Asbestos Pipe

Memorandum

Mayor and Steve,

We were asked to contact the State and inquire about the process of abandoning an existing asbestos pipe once it was taken out of service. The following note is from a phone conversation with between Mike Scott from the Utah Department of Air Quality and Joe Serre from our office.

On March 9th I called and talked with Mike Scott from the Utah Department of Air Quality. I inquired about the regulations for asbestos pipe. Here is a summary of our conversation.

1. An asbestos pipe can stay in service as long as you do not disturb it or have to work on it. There are currently no issues with keeping the asbestos pipe in service.
2. You can abandon an existing asbestos pipe in place, again as long as you do not disturb it. Mike said that leaving the existing pipe in the ground could create a situation that will need to be dealt with in the future.
3. If you decide to disturb, remove, or work on asbestos pipe you need to have a licensed certified abatement contractor do the work. The material would need to be taken to a certified facility.

I also talked to a project manager from Eagle Environmental. They do all sort of asbestos remediation. He said that if you disturb the water line you would need to call a company like them. They would come out, have the contractor expose the pipe, and with the help of the contractor remove and place the asbestos pipe on plastic. They then would transport the material to a facility that takes this type of waste. Just a high level estimate was \$15 to \$20 dollars a foot for their company to come out based off of 600 lineal feet. We would estimate a similar cost, possibly slightly higher, for the onsite contractor to expose the asbestos pipe.

Please let us know if you have any questions.