Midway City Council 19 July 2022 Regular Meeting

Watts Remund Farms, Phase 4 / Final Approval



## CITY COUNCIL MEETING STAFF REPORT

**DATE OF MEETING:** July 19, 2022

NAME OF PROJECT: Watts Remund Farms PUD – Phase 4

NAME OF APPLICANT: Watts Enterprises (Russ Watts)

**AGENDA ITEM**: Phase 4 – Final Approval

**LOCATION OF ITEM:** 280 East Rockwell Way

**ZONING DESIGNATION:** R-1-15

Watts Enterprises, agent for Midway Springs LLC Series II, is proposing final approval of phase 4 of Remund Farms PUD. The proposal contains 7 lots on 4.14 acres. The property is located at 280 East Rockwell Circle and is in the R-1-15 zone.

**ITEM: 12** 

#### **BACKGROUND:**

Watts Enterprises is seeking final approval of phase 4 of the Watts Remund Farms master plan which is comprised of a small-scale standard subdivision and Planned Unit Development (PUD). Preliminary approval of Phase 4 was approved by the City Council on May 3, 2022, and contains seven building pads located on 4.14 acres. This area of the proposed PUD has historically been in agricultural production. Phase 4, previously known as Phase 3B, received preliminary approval from the City Council on January 7, 2020 but has lapsed since a final application was not submitted within the one-year time frame outlined in the code. Because of this, the applicant is required to obtain a new preliminary approval from the City Council before applying for final approval. The

applicant received a revised masterplan approval for Phase 4 on September 7, 2021, allowing for some additional variation in the pad footprints. This proposal reflects those adjustments.

There is generally a high-water table on the property, which lends itself to wetlands which are present in this phase. Residents of the city, particularly those living next to the property, have raised concerns with staff in the past regarding the development and potential impacts that it may have on surrounding properties. The City is committed to assuring that all code requirements are met and that impacts are mitigated as they are identified during the approval and construction process. To identify impacts, several studies have been conducted on and off site. These studies will be discussed later in this report.

There are seven building pads proposed in this phase which are of various sizes ranging from 48' x 68' (3,264 sq. ft.) to 67' x 68' (4,556 sq. ft.) in size. All structural improvements must be located within the building pad for each dwelling including window wells, eave overhangs, bay window, pop outs, decks, pergolas, and other structural items. Also, all units have a height limit of 35' measured from natural grade. Because of the grading on-site and the height of structures, the developer, or builder, must ensure that all heights are based on natural, pre-development grades.

The trails in this phase are private, with a public use easement, and will connect into adjacent phases that have already been platted. The trails will be soft surface except for the trail that connects to the Swiss Paradise Lane and the trail required along 600 North. As a condition of the revised master plan approval, the developer is required to improve the previously installed soft surface trail connecting the Rockwell Way cul-de-sac to Swiss Paradise Lane and onto River Road.

The streets located within the area of the PUD will be private roads and will be maintained by the homeowners' association (HOA). A public access easement will allow access to all the streets in the PUD. All on-site open space will be common area that will be owned by the HOA.

Sensitive lands are also located on the property and will be left undisturbed as required by the land use ordinance. These sensitive lands include wetlands.

#### LAND USE SUMMARY:

- 4.14 acres
- 1.24 acres of open space
- R-1-15 zoning
- Proposal contains seven pads

- Private roads, with a public access easement, will be maintained by the HOA
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.
- Trails within this phase are private with public easements
- Sensitive lands of the property include wetlands

#### **ANALYSIS:**

Open Space – The code requires that each phase that is approved that there is enough open space to comply with the requirements of the code. For example, phase I must have at least 50% open space for that particular phase. If phase I has 75% open space, then phase II only needs to have 25% open space if both phases are equal in acreage. Phase 4 has approximately 1.24 acres of open space, bringing the overall development total to 54.23% open space.

Open Space Credit – The City Council has approved off-site open space for this proposal. Watts Enterprises owned property around the River Road roundabout which is parcel OMI-0563-0-026-034 and comprises 1.32 acres. This property was deeded to the City. The property was part of the open space requirement for the development and 2.2 units of density were granted to the developer as part of the approval. Watts Enterprises has landscaped the property and deeded the required water rights to the City as it would if the open space were part of the open space within the Watts Remund Farms PUD. Watts Remund Farms HOA are required to maintain the open space.

Density – The density allowed for the entire master plan is 97 units, seven of which are the units in this phase.

Geotechnical Study – The developers have submitted a geotechnical study to the City as part of the application. Horrocks Engineers has reviewed that that study to determine if any special requirements are needed for construction of the roads and future structures in the development. Please see attached letter from Horrocks.

Public Participation Meeting – The developers held a public participation meeting on July 10, 2017 as required by the ordinance for master plan applications. This requirement is to give the developers an opportunity to present the development to the surrounding residents of the proposed development.

Sensitive Lands – This phase contains and is adjacent to wetlands that will not be disturbed through the development process. A study has been submitted by the developer and has been reviewed by three organizations that include The Army Corps

of Engineers, Horrocks Engineers, and another third-party wetland expert that was selected by the City. The wetlands will become part of the open space for the development and will be preserved. The applicant is required to survey and stake the boundaries of the wetland and then install temporary construction fencing previous to site improvements and home construction in this phase. Over excavating into the wetlands is not an option. The construction fence should be inspected regularly to ensure that it is functioning properly. Any needed repairs need to be made promptly.

There is an existing ditch that runs along the east boundary of phase 4 that will remain and should not be impacted by the development.

Staggered Setbacks – The Land Use Code requires staggered setbacks to help mitigate the "wall effect" that dwellings with the same setback on a straight street creates. The code states the following in Section 16.16.8.5.c:

Front setbacks for buildings from all private streets within the PUD shall be staggered at seven and one-half feet variances, with 25 feet the minimum setback. One-third of the buildings containing dwelling units shall be at each of at least three different setbacks as recommended by the Planning Commission and approved by the City Council. For example, one-third at 25 feet, one-third at 32 ½ feet and one-third at 40 feet. Setbacks for accessory buildings shall be as recommended by the Planning Commission and approved by the City Council. Setbacks from private streets shall be measured from top-back of curb or back of sidewalk or trail, whichever is further from the street centerline. The City Council may waive this requirement when a curvilinear street design is used and shown to create the same varying setback effect.

The application has staggered the front setback of the units in the proposed phases which will help reduce the "wall effect".

Phase 1 Environmental Study and Water Study – The developer has submitted the required Environmental Study and requested water study. Horrocks Engineers has reviewed both and has commented on it in their review letter.

Trails – This phase will include a public 6' soft surface perimeter trail that connects into adjacent phases. As part of the master plan approval, the applicant is required to improve the existing trail along Swiss Paradise Lane to be a 6' paved public trail. They will also be required to improve the existing trail on Swiss Paradise lot 3 to be an improved public trail. This trail section is required to connect Swiss Paradise Lane to the Rockwell Circle cul-de-sac sidewalk in Phase 4. These trails should be noted as public and built according to Midway City trail standards. The applicant is also required to contribute the funds associated with installing the 8' asphalt trail from Farm Hill Lane to 200 East to the general trails fund. The funds will be used when the trail is completed in the future as part of a larger improvement project. They will also extend the attached trail along 600 North.

Approval Duration - The duration of final approval shall be for one year from the date of final approval of the development by the City Council. Should a final plat not be recorded by the County Recorder within the one-year period of time, the development's approval shall be voided, and both preliminary and final approvals must be re-obtained, unless, on a showing of extenuating, 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: (a) construction must be conducted according to any new City standards in effect at the time the plat is ultimately recorded; (b) the property must be maintained in a clean, dust-free, and weed-free condition at all times; (c) each extension will be for a one-year period only, after which time an annual review must be presented before the City Council; and/or (d) 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.

#### PLANNING COMMISSION RECOMMENDATION:

**Motion:** Commissioner Ream: I make a motion that we recommend final approval of phase 4 of Remund Farms PUD. The proposal contains 7 lots on 4.14 acres. The property is located at 280 East Rockwell Circle and is in the R-1-15 zone. We also accept the staff findings and the conditions 1 and 4 listed in the staff report noting that conditions 2 and 3 have already been met. Also adding that condition 1 state the trail is road base.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Aves: Commissioners: Ream, Bouwhuis, Wardle, Cliften, Garland and Simons

Nays: None Motion: Passed

#### WATER BOARD RECOMMENDATION:

Phase 4 Water Rights per the 1/6/2020 Water Board Meeting:

Inside: 5.60/ac-ft Irrigation: 7.68 ac-ft

Total Required: 13.28 ac-ft

- 3. <u>Denial</u>. This action can be taken if the City Council finds that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

#### **PROPOSED CONDITIONS:**

- 1. The applicant will be required to improve the existing trail along Swiss Paradise Lane to be a 6' asphalt trail. They will also be required to improve the existing trail on Swiss Paradise lot 3. This trail section will connect Swiss Paradise Lane to the Rockwell Circle cul-de-sac sidewalk in Phase 4. These trails should be noted as public and built according to Midway City trail standards.
- 2. The applicant will be required to survey the boundary of the wetland and then install and maintain temporary construction fencing while site improvements are being installed and while homes are under construction.



728 West 100 South Heber, UT 84032 435-654-2226 www.horrocks.com

April 12, 2022

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

Subject: Remund Farms – Phase 4 Preliminary Review

#### Dear Michael:

Horrocks Engineers recently reviewed the above development plans for Preliminary Approval. The proposed development is located near 200 East and 600 North. The entire development is 50.87 acres and contains 97 lots. Phase 4 is 4.14 acres and contains 7 lots. The following comments should be addressed.

#### Wetlands

- All wetland delineations have been approved with the US Army Corp of Engineers.
- Several units encroach within the 25' wetlands setback as approved by the City Council with the Master Plan Approval of the development. However, no units encroach within the actual wetlands.
- Any construction activities that will impact the delineated wet lands will need approval from the US Army Corp of Engineers.
- Delineated wet lands shall be surveyed and construction fence shall be installed to delineate the wet land boundaries.

#### Geotechnical and Hydrogeologic Investigation

- As part of the Phase 1 geotechnical investigation the developer installed and are monitoring 27 boring pits/piezometers over the entire site.
- To monitor the groundwater elevation, the groundwater at each piezometers was read during the construction of Phase 1 - 3. As construction of future phases takes place monitoring will continue to be documented.
- Hydrological analysis as previously done by Loughlin Water Association and Developer for Phases 1 – 3 should continue as previously approved for the site.

#### Water

- The proposed development will be served from the Gerber Mahogany Springs zone.
- The mainline water for phase 4 was completed as part of the work in phase 2.

#### Irrigation

• The proposed development will connect to existing irrigation from Phase 2 and install services with meters according to Midway Irrigation Company standards.



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#### Roads

- The proposed development will install 26' of asphalt, modified curb on each side of the road, with a 5' park strip and 5' sidewalk on one side of the road. The developer will pay to the City the cost savings of installing 26' of asphalt rather than the standard 30' of asphalt.
- All roads with in the proposed development will be private roads, with a public easement.

#### Trails

- There are private with public use gravel and asphalt trails within this phase of the development.
- As part of this phase, the development will pave a trail from the proposed cul-de-sac to 300 north 10' wide with 5' gravel shoulders on each side. This will also be used for emergency access.
- The development will also pave a 6' attached trail with rumble strips from the abovementioned location to River Road.
- The development will contribute \$10,350 to install a trail at the northwest corner of phase 1. This trail will take the existing attached trail on the west side of Remund farms on 600 North to the intersection of 600 North and Farm Hill Lane.

#### Storm Drain

- The storm drain system will be private and will be collected within the proposed curb and gutter and discharged to a series of catch basins and retention basins with the development.
- Remund Farms HOA will be responsible for maintenance of the storm system. This needs to be updated in the development agreement.

Please feel free to call our office with any questions.

Sincerely,

HORROCKS ENGINEERS

Wesley Johnson, P.E

Midway City Enginee

cc: Berg Engineering

# **Midway City Corporation**

Mayor: Celeste T. Johnson
City Council Members
Lisa Christen • Jeffery Drury
J.C. Simonsen • Steve Dougherty
Kevin Payne



75 North 100 West P.O. Box 277 Midway, Utah 84049

Phone: 435-654-3223 Fax: 435-654-4120 midwaycityut.org

# Remund Farms Phase 4 Final Approval

July 6, 2022

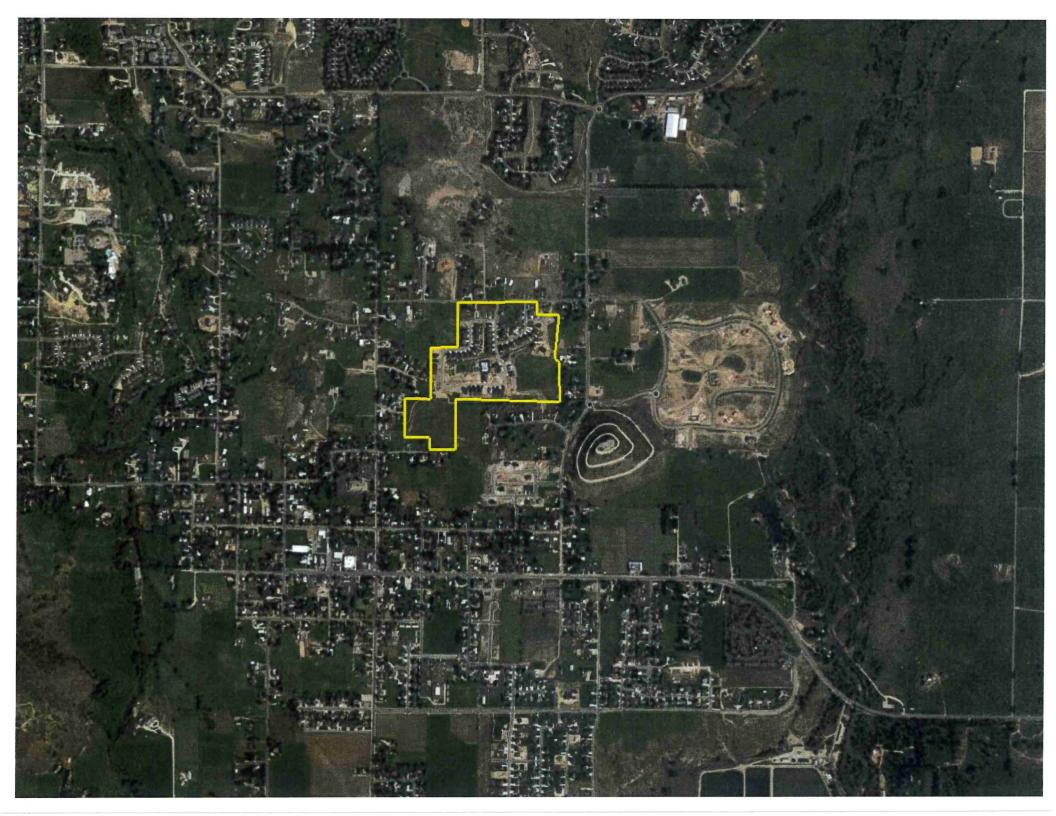
Michael Henke Midway City Planning Director,

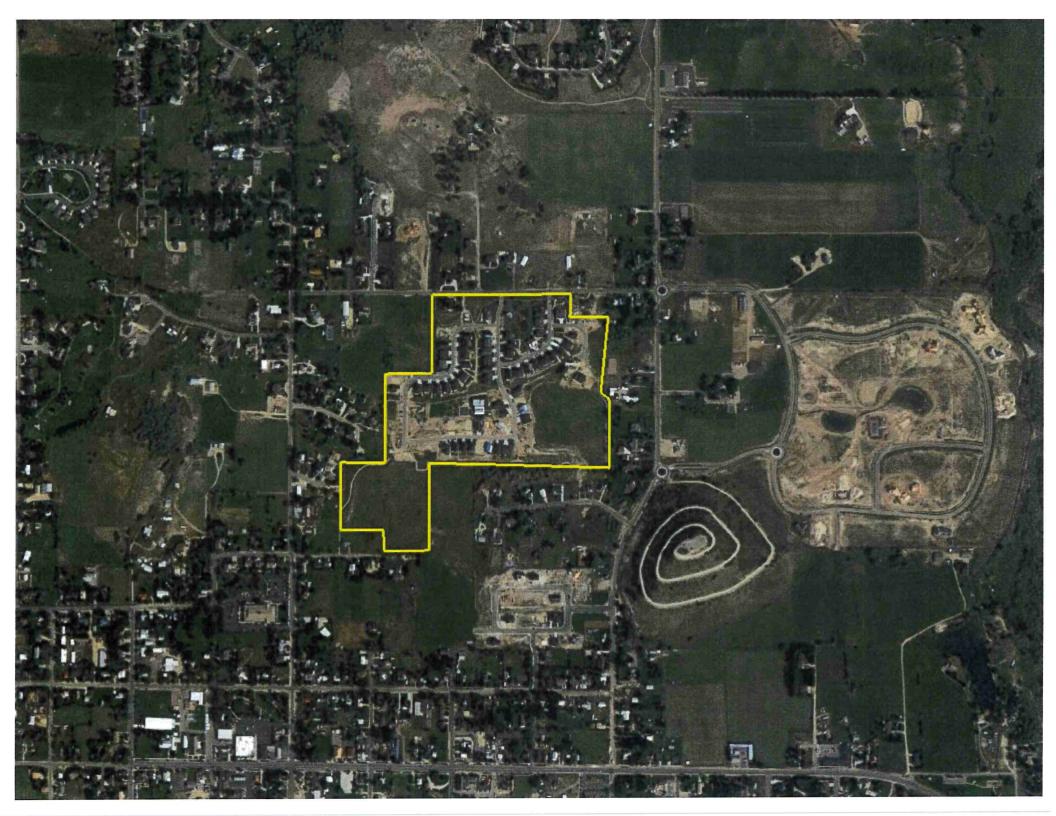
I have reviewed the plans for Remund Farms Phase 4 for compliance with the 2018 International Fire Code (2018 IFC). I have no fire code concerns with the plans that have been recommended for approval by the Midway City Planning Commission and are now being presented to the Midway City Council for final approval.

Prior to accepting building permit applications for this project, the developer will need to be granted in writing at least substantial completion by Wes Johnson with Horrocks Engineering, and the Fire Marshal will need to verify hydrant locations and road widths are installed per approved plans.

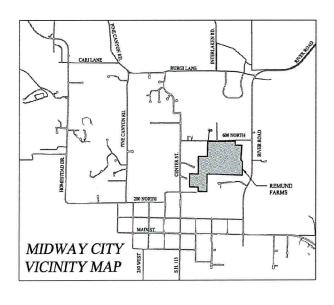
Tex R. Couch CBO/MCP
Midway City Building Official/Fire Marshal
75 West 100 North
Midway, Utah 84049
tcouch@midwaycityut.org
(435)654-3223 Ext. 107







# REMUND FARMS PHASE 4 - PRELIMINARY & FINAL PLANS



## SHEET INDEX

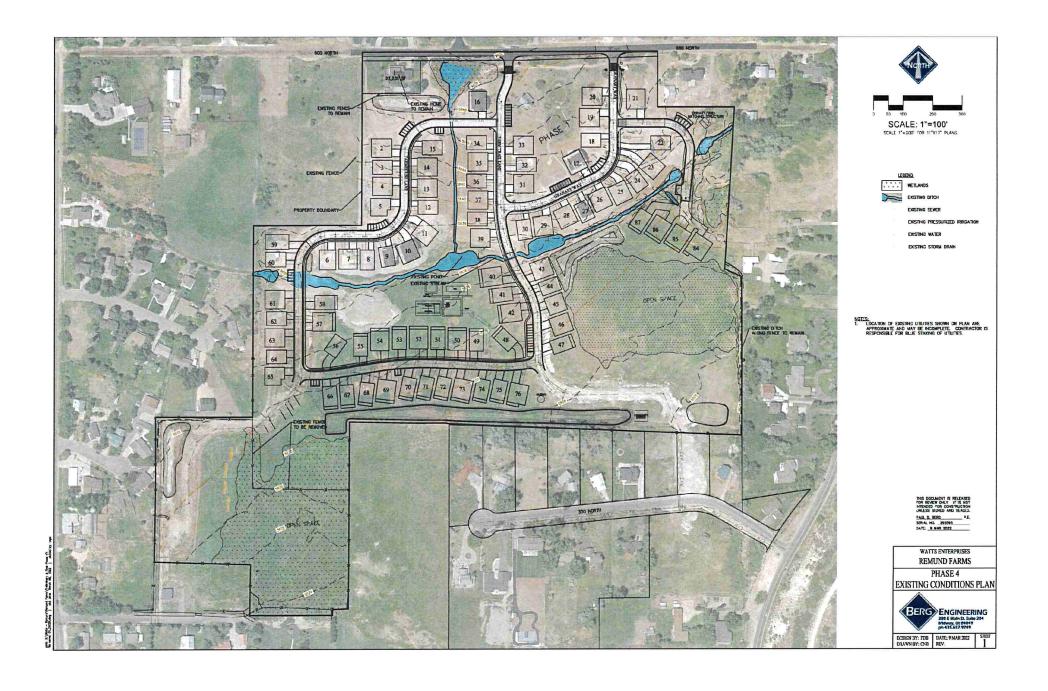
- 1. PHASE 4 EXISTING CONDITIONS PLAN
- 2. APPROVED MASTER PLAN
- 3. PHASING PLAN
- 4. OPEN SPACE MASTER PLAN
- 5. PHASE 4 SITE PLAN
- 6. PHASE 4 LANDSCAPE PLAN
- 7. REMUND FARMS PUD PHASE 4 PLAT
- 8. ROCKWELL CIRCLE PLAN AND PROFILE STA 0+00 TO 5+85
- 9. ROAD CONSTRUCTION DETAILS
- 10. UTILITY MASTER PLAN
- 11. PHASE 4 SEWER PLAN
- 12. ROCKWELL CIRCLE SEWER PLAN & PROFILE
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- 16. WATER & PI CONSTRUCTION DETAILS
- 17. PHASE 4 STORM DRAIN PLAN
- 18. ROCKWELL CIRCLE STORM DRAIN PLAN & PROFILE
- 19. STORM DRAIN CONSTRUCTION DETAILS
- 20. PHASE 4 STORM WATER POLLUTION PREVENTION PLAN

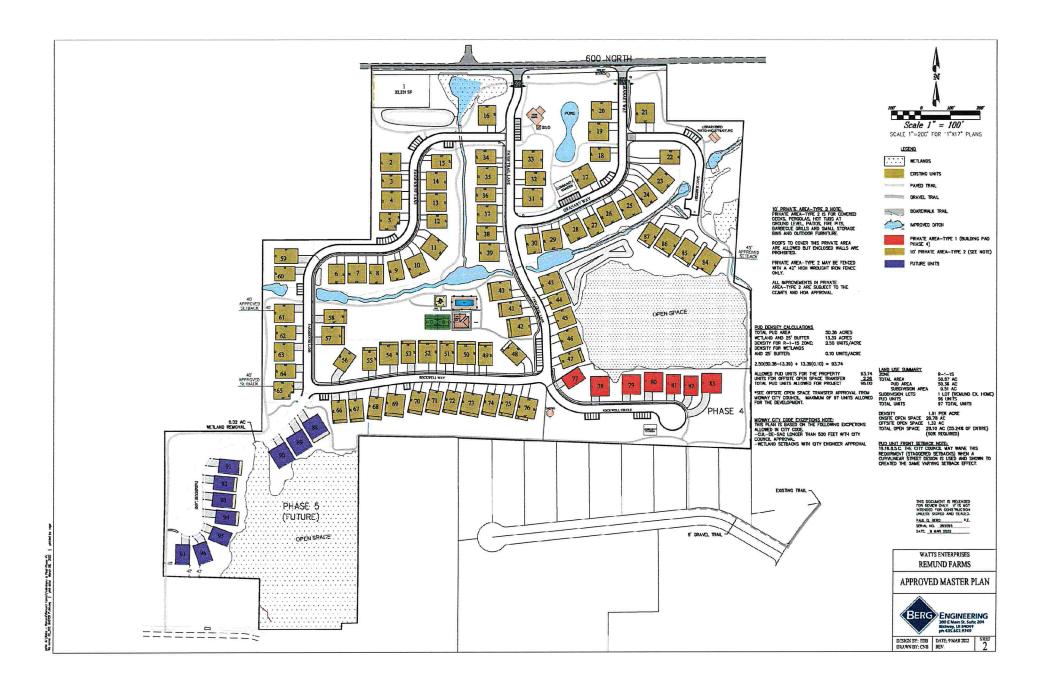
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WATTS ENTERPRISES
REMUND FARMS

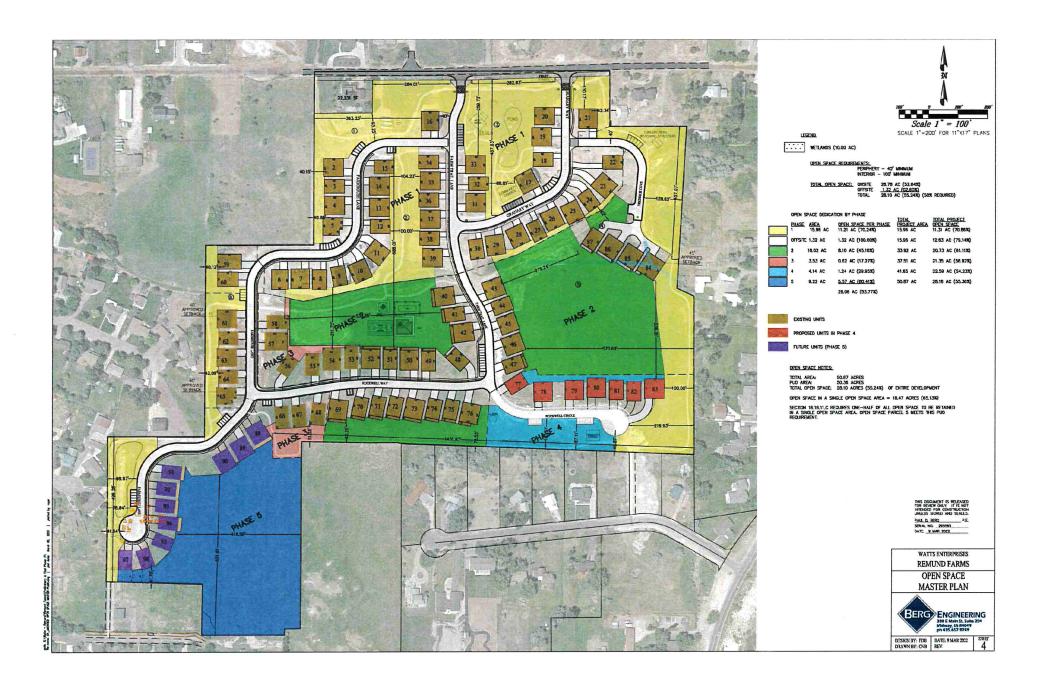
COVER SHEET





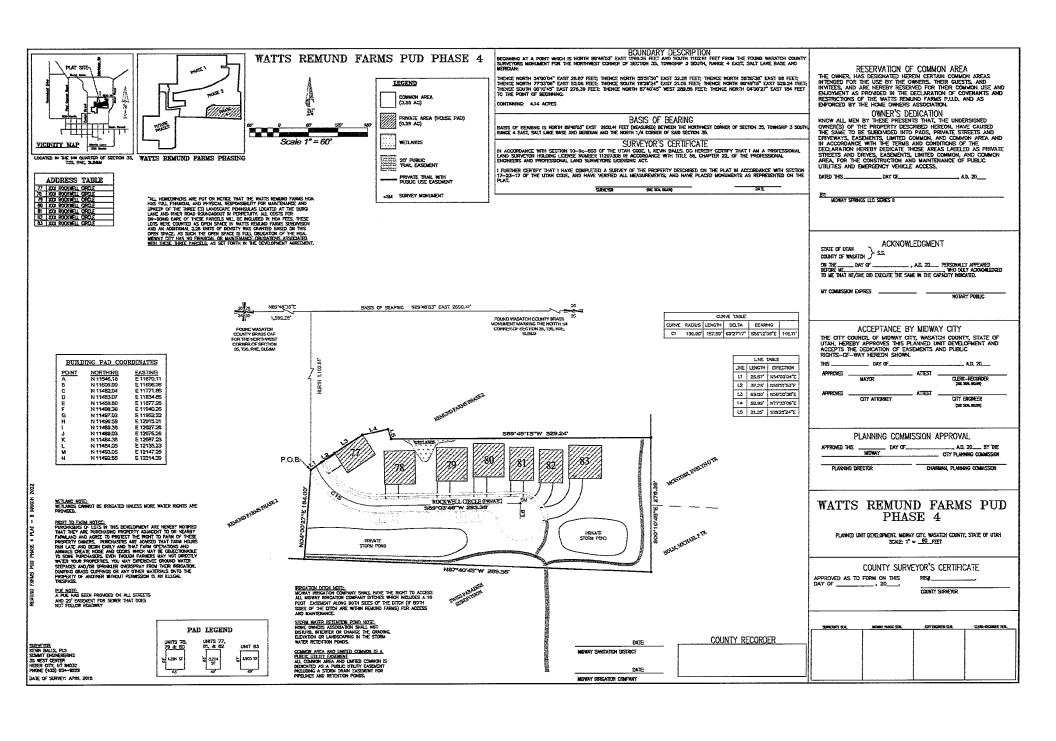


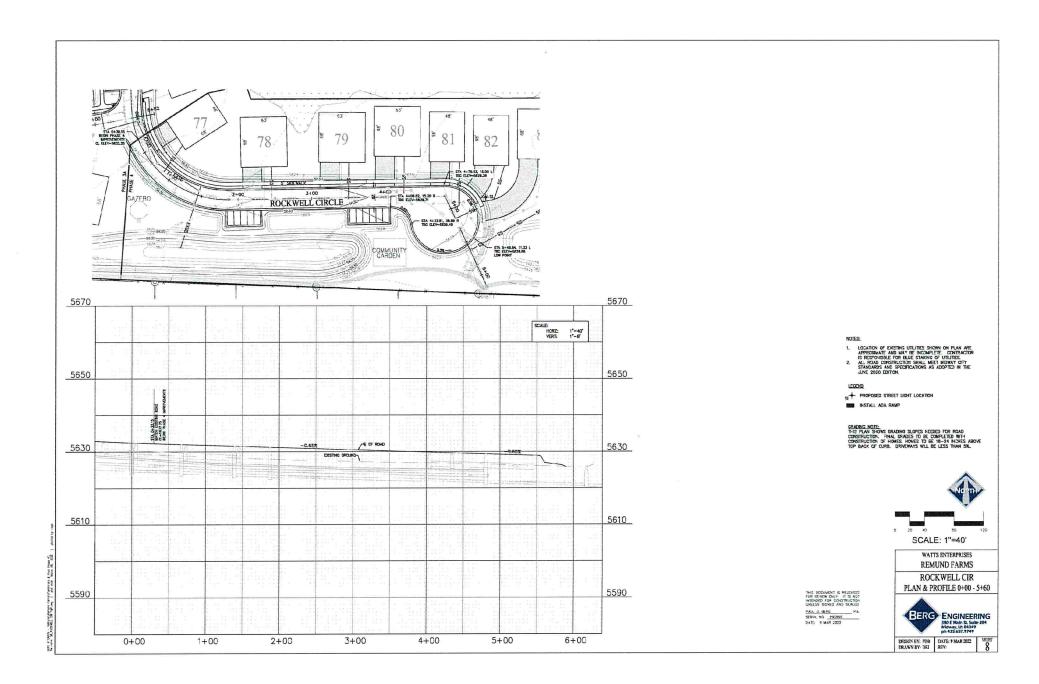


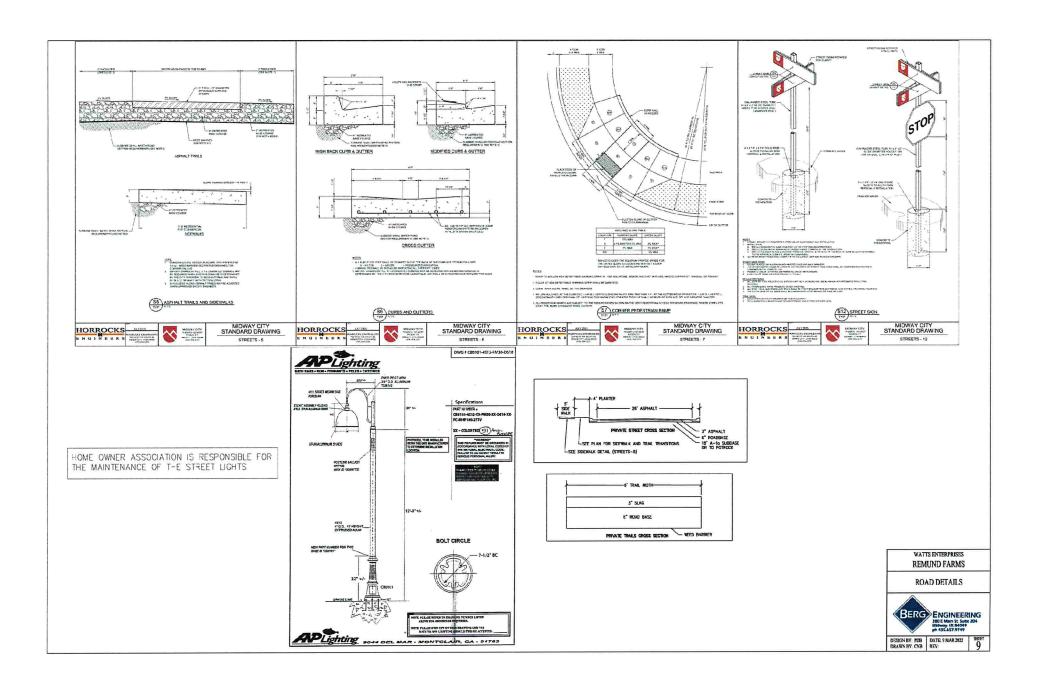






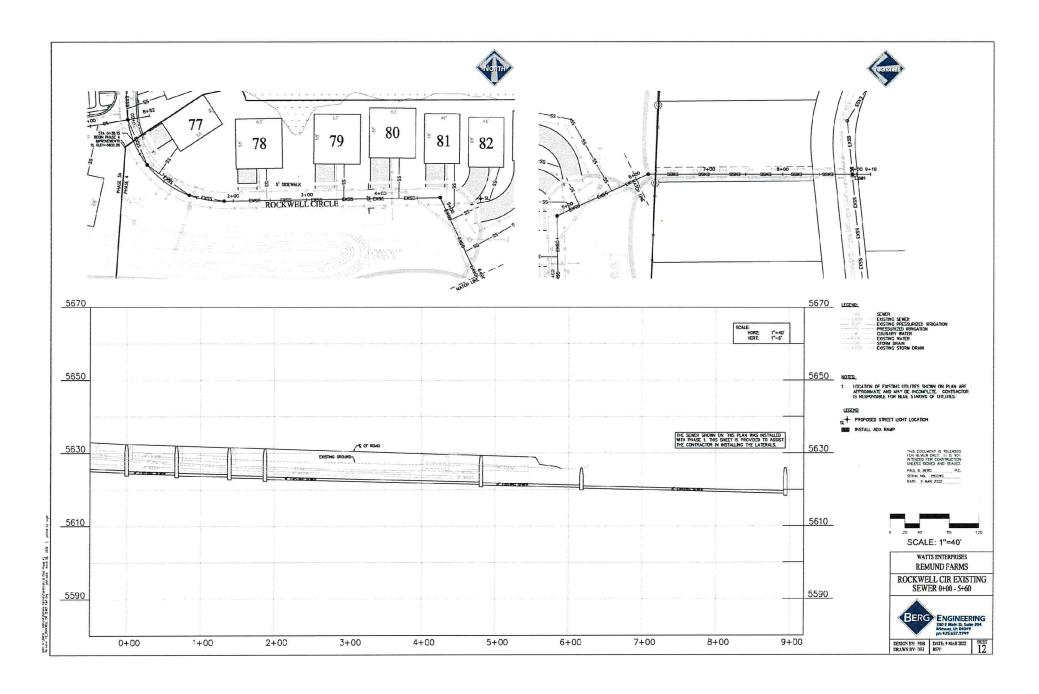


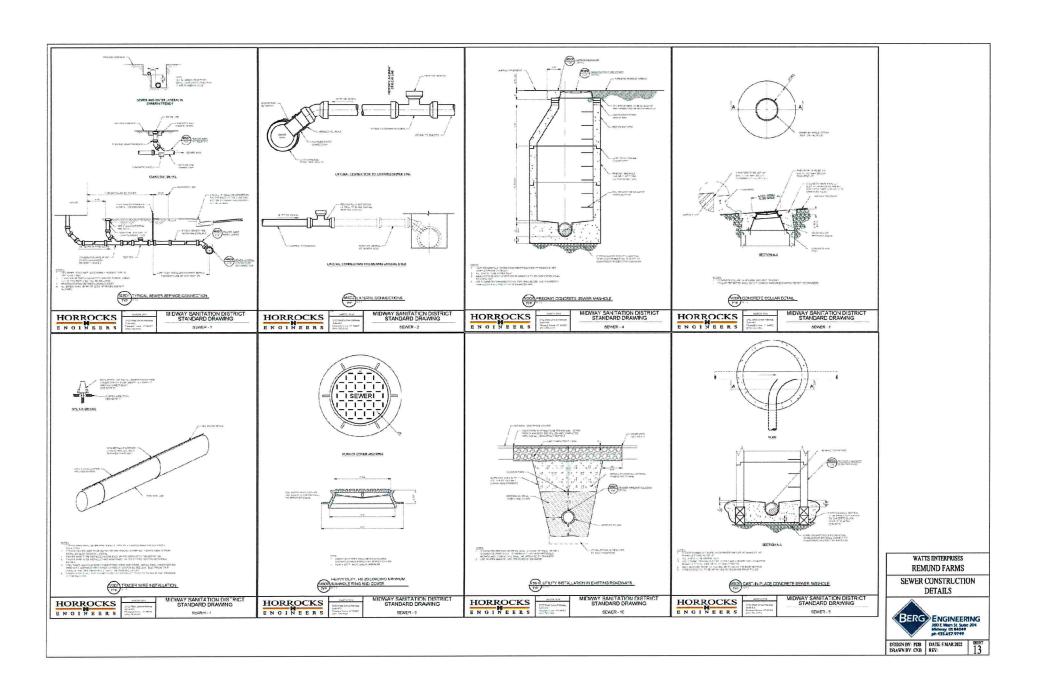


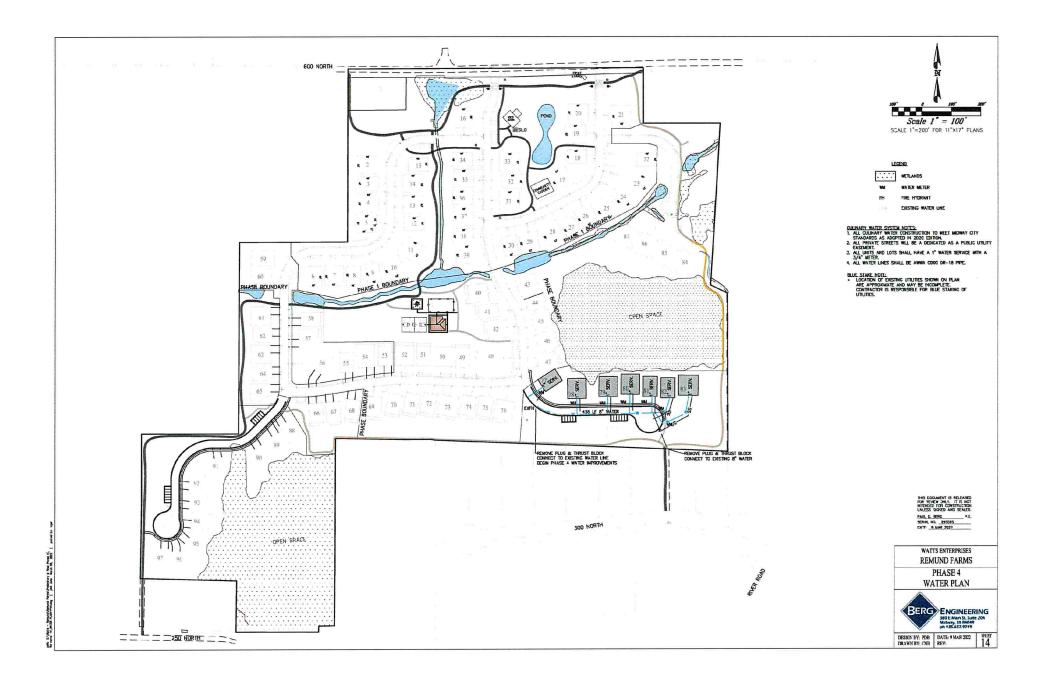


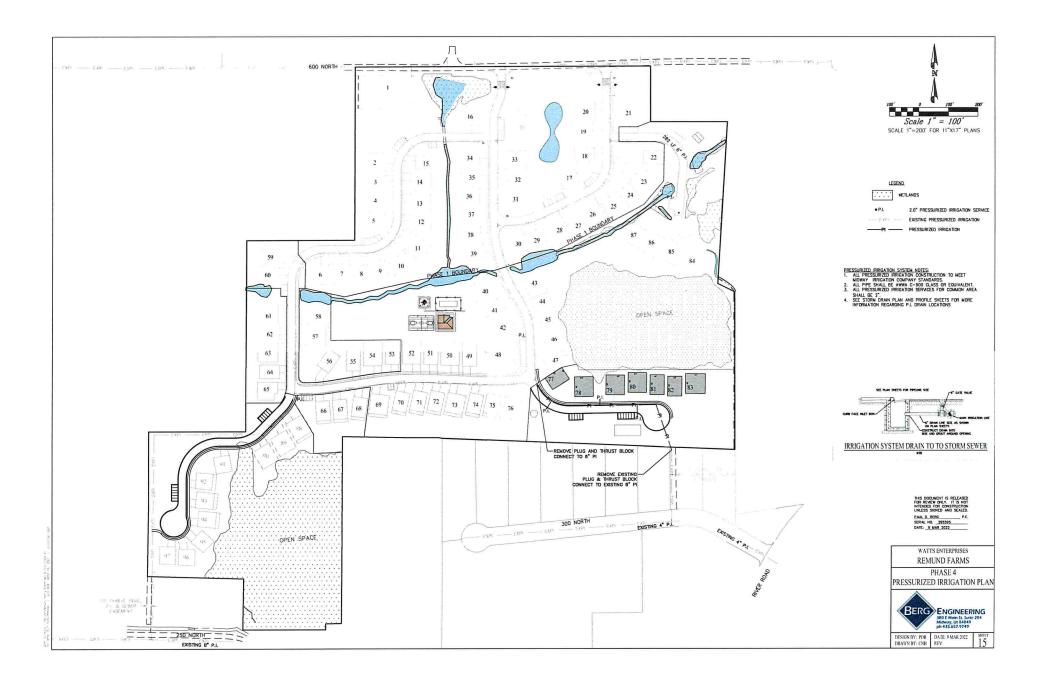


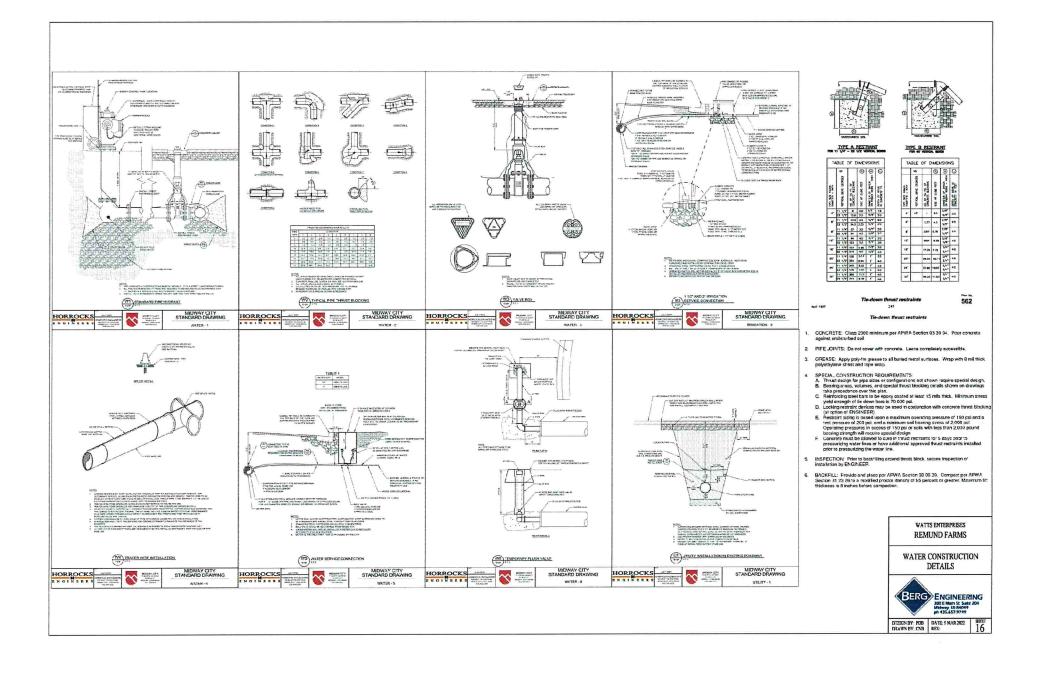


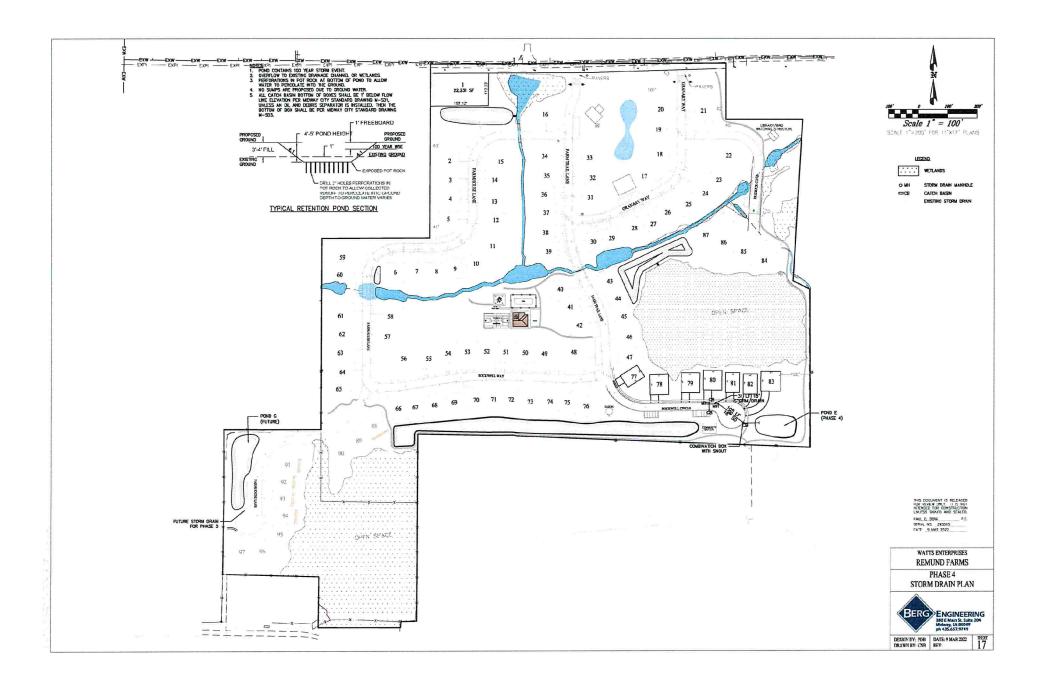


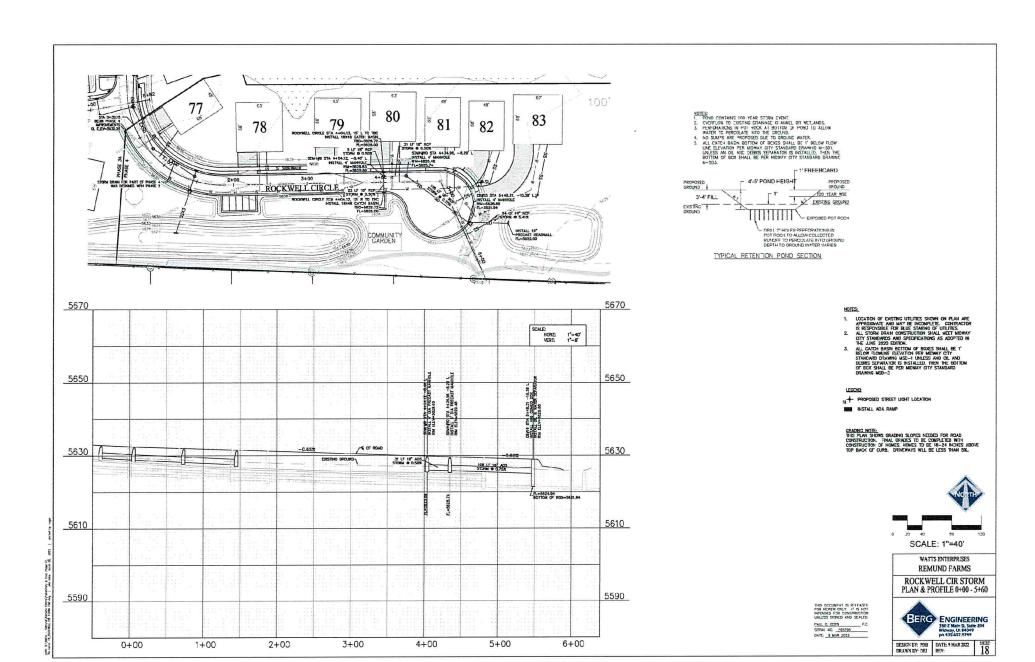


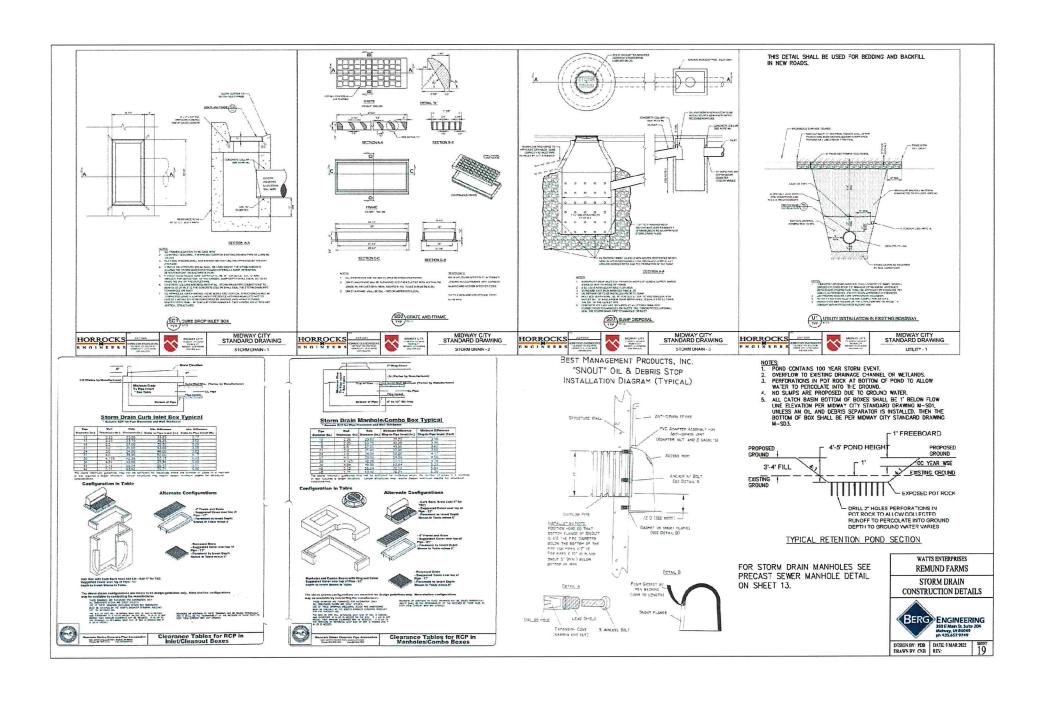


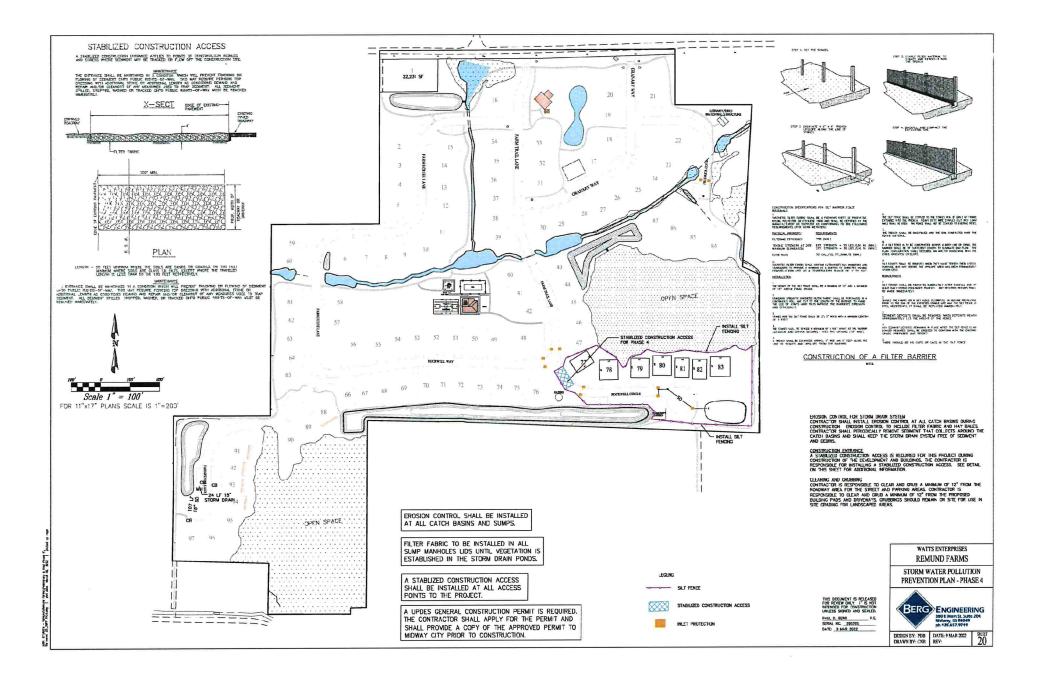














P.O. Box 176 55 West Center Heber City, Utah 84032 Phone: 435.654.9229 Fax: 435.654.9231 www.summiteg.com

March 28, 2022

TO:

Midway City

ATTN: Wes Johnson, City Engineer

Subject: Remund Farms PUD Phase 2 Wetlands Boundary Staking

The wetland boundaries as shown on the Remund Farms PUD Phase 2 subdivision plat prepared by Berg Engineering and signed by Kevin M. Balls (Summit Engineering Group) was marked on the ground in September of 2021. This was requested by the developer to aid in preventing construction activities from encroaching on said wetlands.

The wetland delineation report prepared by BIO-WEST was given to Berg Engineering to be shown on said subdivision plat. I have verified that the location of the wetland area on the Remund Farms PUD Phase 2 plat and the area shown on the BIO-WEST wetland delineation report are the same.

I further certify that the staking of said delineated wetland boundary follows the exact location as shown on said subdivision plat.

Best Regards, Kevin M. Balls, PLS Summit Engineering Group, Inc.





# **BIO-WEST**,

1063 West 1400 North Logan, Utah 84321-2291 Ph: 435.752.4202 Fx: 435.752.0507 www.bio-west.com

## **MEMORANDUM**

TO:

U.S. Army Corps of Engineers, Attention - Mr. Michael Pectol

FROM:

BIO-WEST, Inc. - Bob Thomas

DATE:

June 20, 2018

SUBJECT: Midway Springs Wetland Delineation Report Addendum

Mr. Pectol,

Please find attached the revised wetland delineation map of the 22.2-acre Midway Springs Project Area in Midway, UT. The revised map reflects the changes to Wetland Area B that we discussed in the field during our site visit to verify the wetland boundaries on May 31, 2018. Specifically; the eastern boundary of Wetland Area B was modified to illustrate two existing connections to the eastern open water/canal feature shown on the map. This change did not result in any significant change to the wetland acreage which remains at 4.0-acres for Wetland Area B, and 9.2-acres for the overall project area. The modified wetland map also now shows the location of all of the existing groundwater monitoring wells on the project area, and surrounding the project area, including those installed in March 2018.

In addition to the modified wetland map, please find attached a spreadsheet that includes all of the groundwater monitoring data gathered on the project area and surrounding the project area to date.

We believe that this supplemental data should provide the information you need to issue a written preliminary jurisdictional determination for this 22.2-acre project area. Please let us know if you have any questions.

Thanks

-Bob Thomas (BIO-WEST, Inc.)

Attachments:

Revised Wetland Map (06/04/2018) Groundwater Well Data Log

