

Midway City Council  
7 September 2021  
Regular Meeting

Haynie Subdivision /  
Preliminary & Final Approval



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** September 7, 2021

**NAME OF PROJECT:** Haynie Density Reduction Subdivision

**NAME OF APPLICANT:** Berg Engineering

**PROPERTY OWNER:** Paul Haynie

**AGENDA ITEM:** Preliminary/Final Approval

**LOCATION OF ITEM:** 151 East 600 North

**ZONING DESIGNATION:** R-1-22

### **ITEM: 10**

Berg Engineering, agent for Paul Haynie is requesting preliminary/final approval of a 3-lot density reduction subdivision to be known as Haynie Subdivision. The proposal is on 4.28 acres and is located at 151 East 600 North and is in the R-1-22 zone.

### **BACKGROUND:**

This request is for preliminary/final approval of a Density Reduction Subdivision (DRS) on 4.28 acres which will contain three lots. The proposed name of the subdivision is Haynie Density Reduction Subdivision. 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 contribute to the rural atmosphere of the area. Currently, there is a dwelling being constructed on the parcel, which has been previously deemed to be a lot-of-record. All setbacks from the dwelling to the proposed lot lines will need to comply with the setbacks as outlined in R-1-22 zone. According to the information provided by the applicant, it appears that the dwelling will comply with the front, rear and side setbacks.

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 re-subdivided. One lot must meet the frontage requirements as outlined in the R-1-22 zone, but access to all others 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:**

- 4.28-acre parcel
- R-1-22 zoning
- Proposal contains three lots
- Two lots have frontage along 600 North and a third lot will not, but will have legal access over the front two lots.
- 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
- Sensitive lands – none identified

#### **ANALYSIS:**

*Access* – Due to driveway offset requirements from other driveways and existing roads, staff has suggested that the applicant combine all three driveway accesses into one that is located along the common lot line between lots 1 and 2. The shared driveway will require a 30' wide easement that will need to be shown on the plat. A 20' driveway with 5' shoulders will be built in the easement to comply with the DRS driveway requirements. The plat should include a note that precludes the front two lots from being accessed directly from 600 North, all access should be from the shared driveway.

*Culinary Water Connection* – The lots will connect to the City's water lines located in the area.

*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. The applicant has provided a will-serve letter from Midway Irrigation Company.

*Sewer Connection* – The lot will connect to Midway Sanitation District's lines located in the area.

*Sensitive Lands* – The applicant has not identified any sensitive lands that are part of the proposed development.

*Density* – The 4.28-acre parcel is wholly located in the R-1-22 zone. DRS in the R-1-22 zone are allowed a maximum density of 0.7 lots per acre. Based on the current acreage, the maximum density allowed would be 2.996 lots. The applicants engineer feels confident that the property boundaries are well established and there are not boundary discrepancies where they can pick up additional property. Because density reduction subdivisions benefit the city by limiting the overall density on a property staff would be comfortable with an informal policy relating only to density reduction subdivisions, that if they are within .01 of a lot, that we round up to the whole lot. In this case, they would have 3 buildable lots

*Bike Lane* – The Midway City Trail System Master Plan shows bike lanes along 600 North. An attached bike lane has been installed along the south side of 600 North, but not along the north side. 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 600 North. The applicant will need to provide an estimate for the trail, which will need to be approved by the city engineer. These funds need to be turned over to Midway City previous to the plat being recorded.

*Utility and road improvements* – 600 North was recently improved which included anticipated utility stubs for this property. The proposed plan changes the location of the stubs, requiring new utility road cuts for each utility to each lot. Wes Johnson, Midway city engineer, has recommended that the applicant pulverize the whole width of the road that falls between the properties east and west property lines and then repave the road.

*Deed Restriction* – The approved lots on the 4.28 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 4.28 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.*

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

The Water Board has recommended that 13.2-acre feet are tendered to the City before the recording of the plat. The Water Board also recommended secondary water meters are installed on each lot.

#### **PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Whitney: I make a motion that we recommend final approval of a 3-lot density reduction subdivision to be known as Haynie Subdivision. The proposal is on 4.28 acres and is located at 151 East 600 North and is in the R-1-22 zone. We accept findings in the staff report and all the conditions that are in the staff report. Also add a condition that the road be paved. We also approve to include the change to the driveway, that it becomes an easement for access and for utilities to the third lot.

**Seconded:** Commissioner Garland

**Chairman Nicholas:** Any discussion on the motion?

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners Ream, Whitney, Garland, Simons and Clifton

**Motion: Passed**

#### **POSSIBLE FINDINGS:**

- The proposed lots meet the minimum requirements for the R-1-22 zone.

- The proposal does meet the intent of the General Plan for the R-1-22 zone.
- 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.
- 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/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.

#### **ALTERNATIVE ACTIONS:**

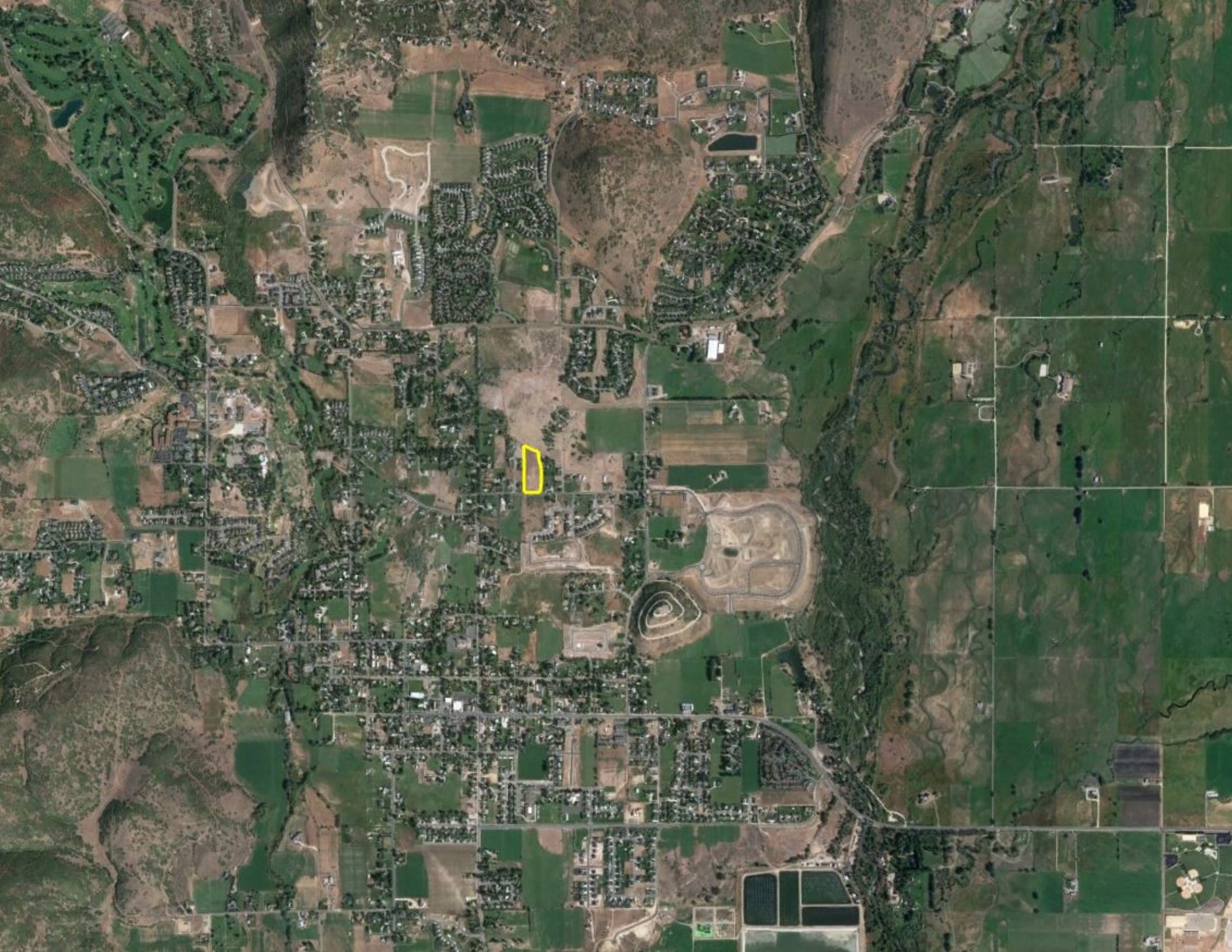
1. Approval (conditional). This action can be taken if the City Council finds that the proposal complies with the intent of the land use code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
2. Continuance. This action can be taken if the City Council finds that there 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. Recommendation of 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

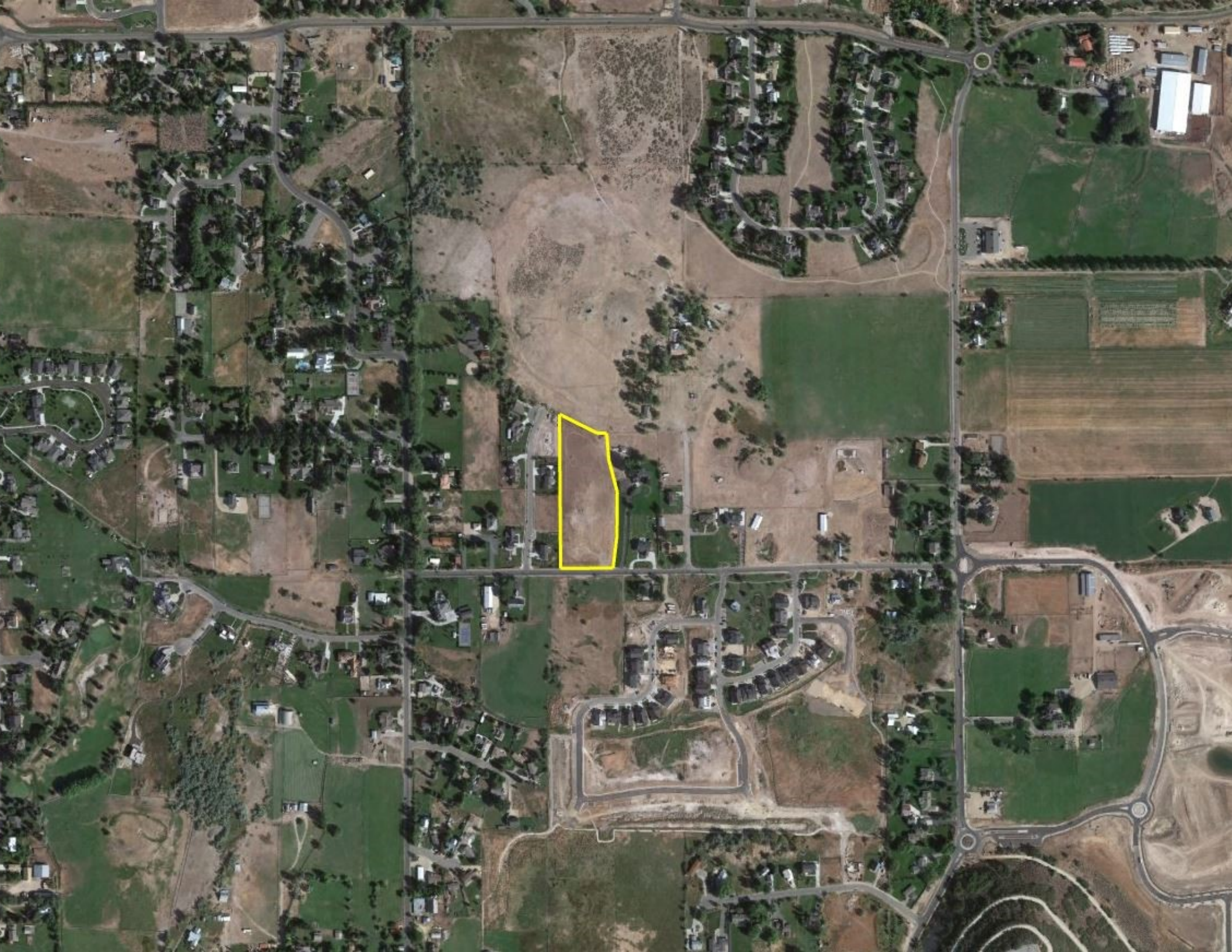
**PROPOSED CONDITIONS:**

- 1. 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.
- 2. A note on the plat is included with language that clearly states that subdividing the lots is prohibited.
- 3. The funds to build the bike trail 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 600 North.
- 4. A note is added to the plat limiting any direct access from 600 North into the lots. All access must be from the shared driveway.
- 5. The section of 600 North that is between the properties east and west property lines must be pulverized and repaved.

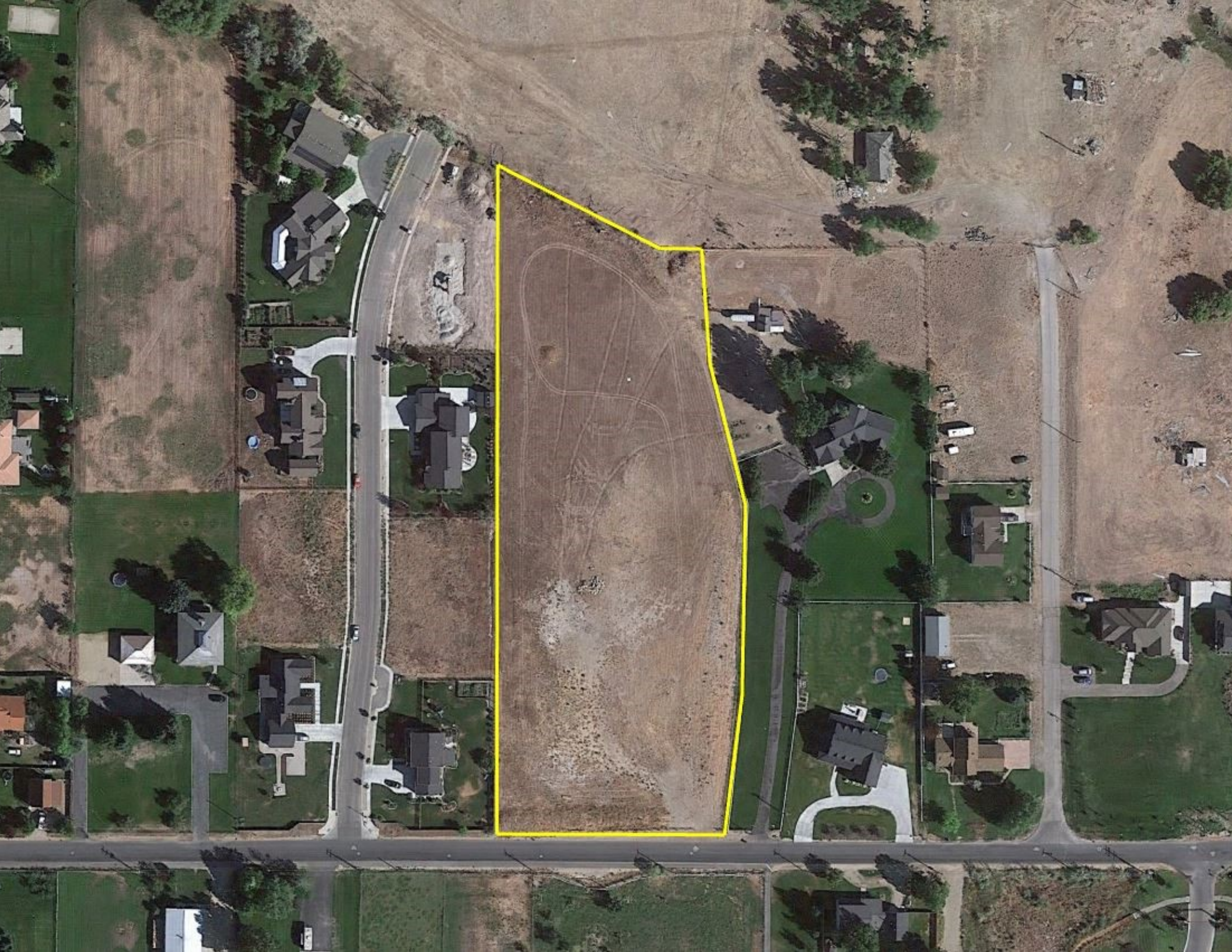










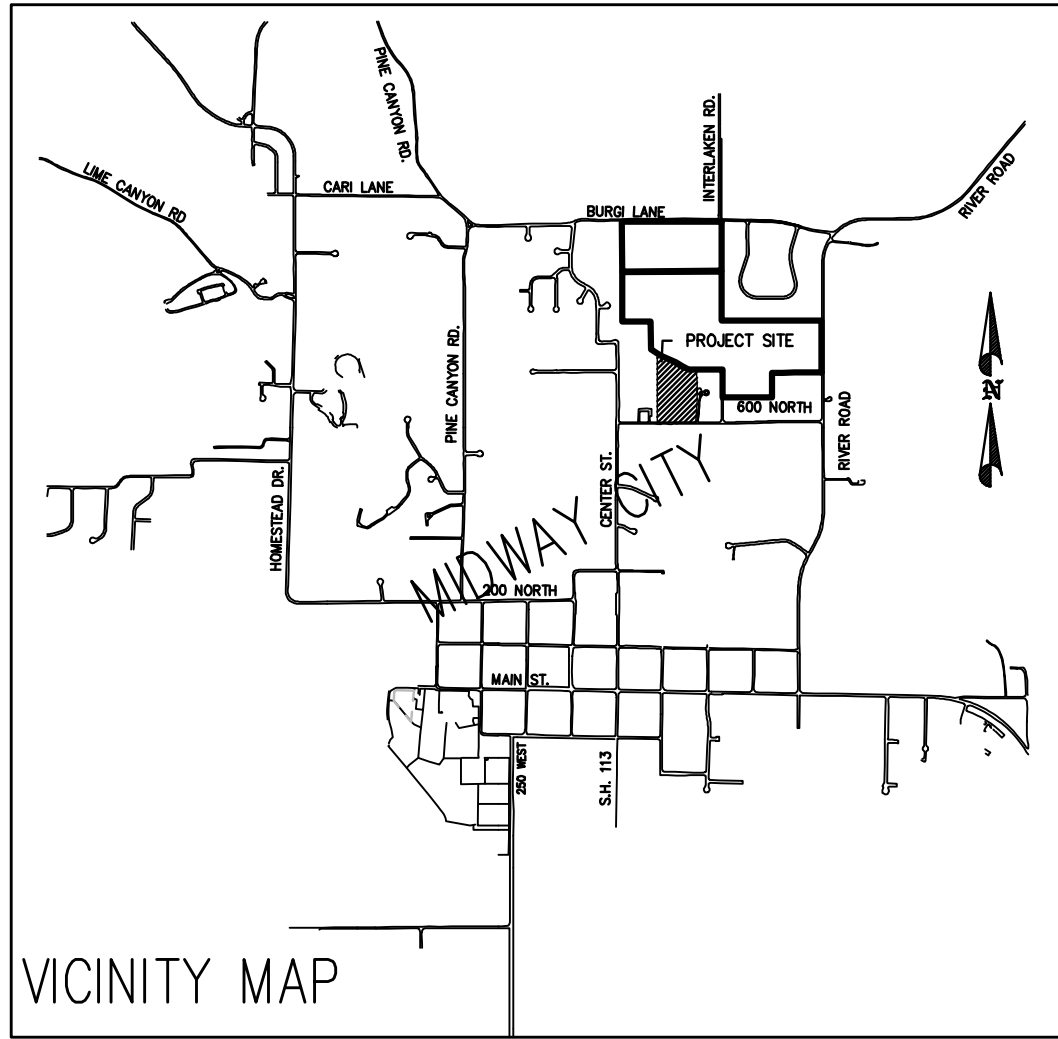




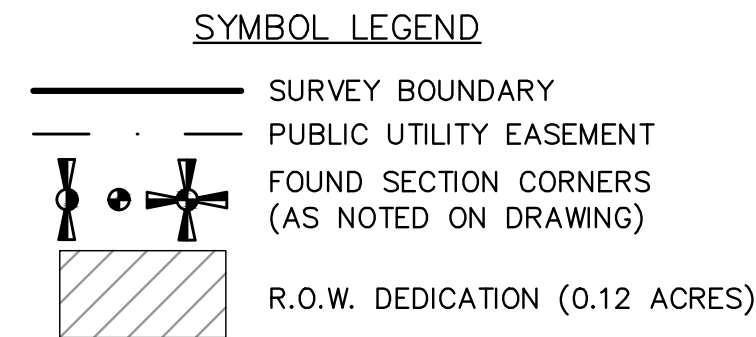
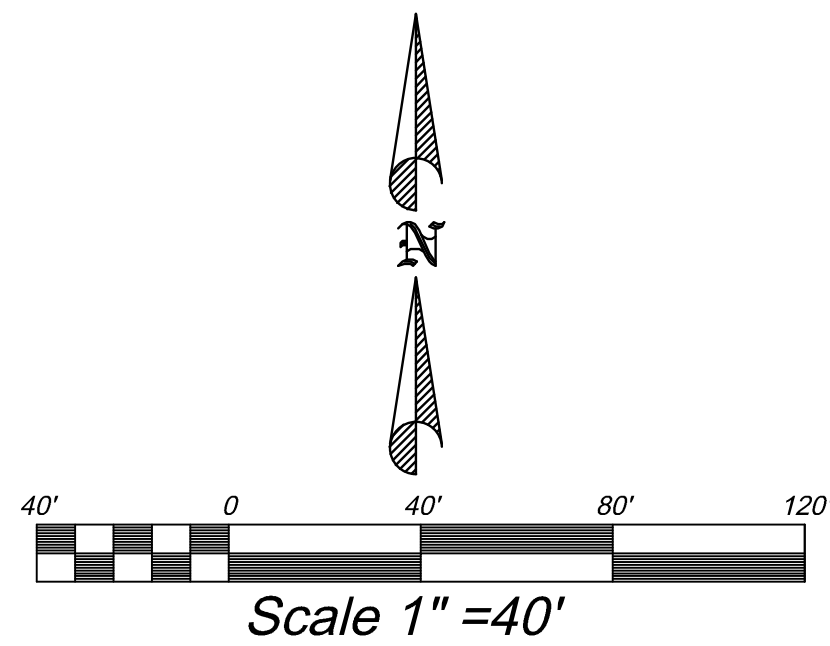




HAYNIE DENSITY REDUCTION SUBDIVISION PLAT - 25 AUG 2021



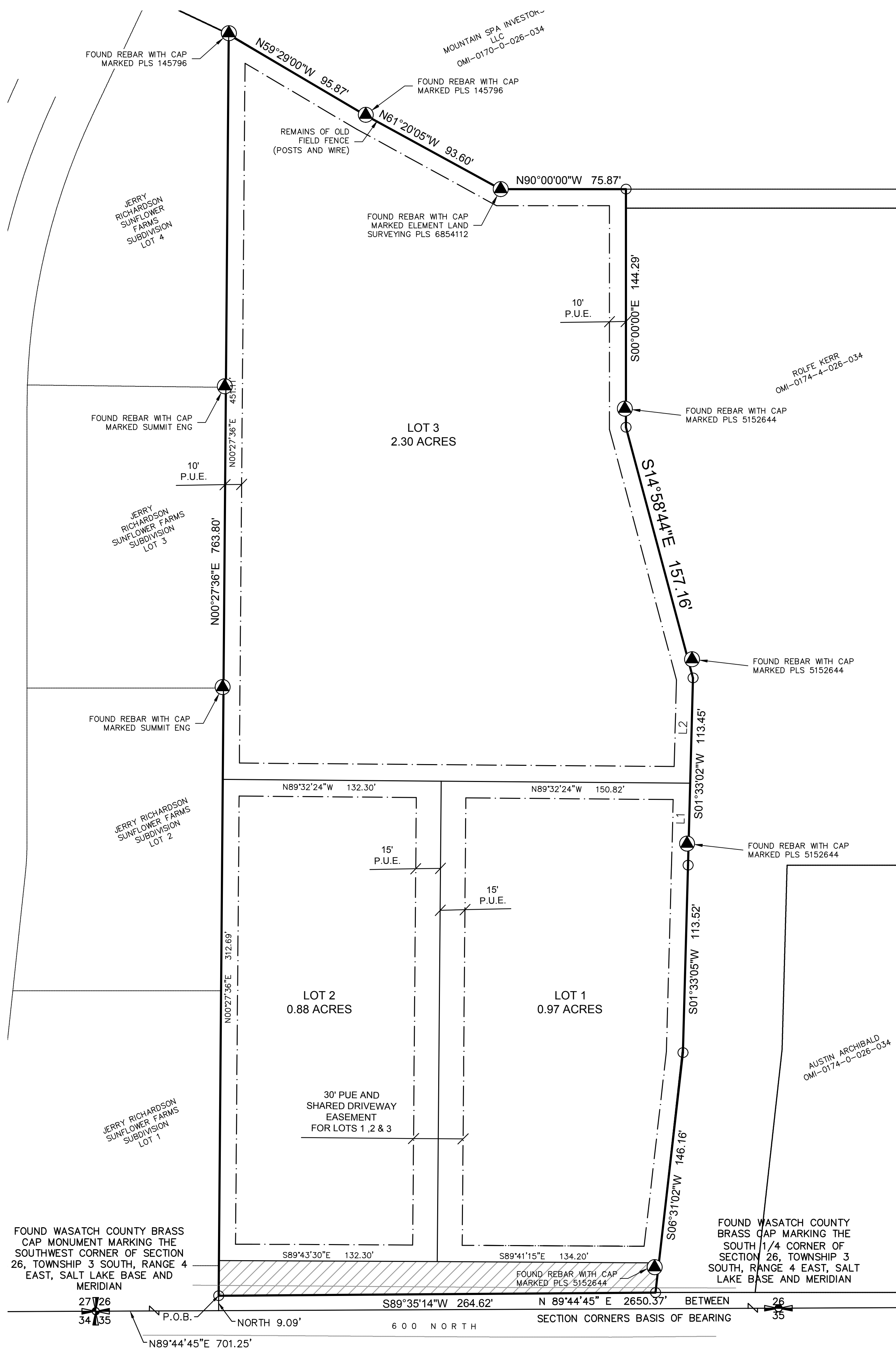
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



SURVEYOR  
TROY TAYLOR - PLS  
ELEMENT LAND SURVEYING  
2296 SOUTH 270 EAST  
HEBER CITY, UTAH 84032  
PHONE (801) 657-8748

DATE OF SURVEY: JUNE 2021

## HAYNIE DENSITY REDUCTION SUBDIVISION



### SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, TROY TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 6854112 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 BELOW)

#### SHARED DRIVEWAY NOTE:

LOTS 1,2 AND 3 WILL HAVE A SHARED DRIVEWAY. NO ACCESS TO 600 NORTH IS ALLOWED. ALL LOT OWNERS SHALL COMPLY WITH THE SHARED DRIVEWAY ACCESS AGREEMENT.

LINE TABLE		
L1	49.75'	S01°33'02"W
L2	63.75'	S01°33'02"W

DATE: MIDWAY IRRIGATION COMPANY

DATE: MIDWAY SANITATION DISTRICT

COUNTY RECORDER

#### COUNTY SURVEYOR

APPROVED AS TO FORM ON THIS DAY OF OF , 20

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COUNTY SURVEYOR

### BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED NORTH 89°44'45" EAST ALONG THE SECTION LINE 701.25 FEET AND NORTH 9.09 FEET FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 00°27'36" EAST 763.80 FEET ALONG A FENCE LINE AND THE EAST BOUNDARY LINE OF THE SUNFLOWER SUBDIVISION TO A FOUND REBAR WITH CAP MARKED PLS 145796; THENCE ALONG THE SOUTH BOUNDARY OF THE MOUNTAIN SPA THE FOLLOWING 3 (THREE) CALLS: SOUTH 89°29'00" EAST 95.87 FEET TO A FOUND REBAR WITH CAP MARKED PLS 145796, SOUTH 61°20'05" EAST 93.60, AND EAST 75.87 FEET; THENCE ALONG THE WEST DEED LINE OF THE KERR W ROLFE PROPERTY THE FOLLOWING 5 CALLS: SOUTH 144.29 FEET, SOUTH 14°58'44" EAST 157.16 FEET, SOUTH 01°33'02" WEST 113.45 FEET, SOUTH 01°33'05" WEST 113.52 FEET, AND SOUTH 06°31'02" WEST 146.23 FEET; THENCE SOUTH 89°35'14" WEST 264.61 FEET TO THE POINT OF BEGINNING.

AREA = 4.28 ACRES

### BASIS OF BEARING

THE BASIS OF BEARING IS NORTH 89°44'45" EAST BETWEEN THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTHWEST CORNER OF SECTION 26 TO THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTH QUARTER CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

### OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO PUBLIC ROAD RIGHT-OF-WAY LOTS, AND UTILITY EASEMENTS AND HEREBY DEDICATE THOSE AREAS LABELED AS SHARED DRIVEWAY EASEMENTS AND UTILITY EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS DAY OF , A.D. 20

BY: PAUL F. HAYNIE BY: JENNA M. HAYNIE

### ACKNOWLEDGMENT

STATE OF UTAH } S.S.  
COUNTY OF WASATCH }

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 MAYOR ATTEST CLERK-RECORDER (SEE SEAL BELOW)

APPROVED CITY ENGINEER (SEE SEAL BELOW) APPROVED CITY ATTORNEY

### PLANNING COMMISSION APPROVAL

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

PLANNING DIRECTOR CHAIRMAN, PLANNING COMMISSION

## HAYNIE SUBDIVISION A DENSITY REDUCTION SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH  
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

SCALE: 1" = 40 FEET

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

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August 10, 2021

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

**Subject: Haynie Subdivision - Preliminary / Final Approval**

Dear Michael:

Horrocks Engineers recently reviewed the Haynie Subdivision plan for Preliminary/Final approval. The following comments should be addressed prior to City Council approval.

General Comments

- The proposed plan is a three-lot subdivision. The property is located at 151 East 600 North.

Water

- The proposed development will be served from the Gerber Mahogany pressure zone.
- There is an existing 8" stub to the east end of the proposed development. This should be abandoned and the valve removed.

Roads

- The development must pave full width on 600 North where the asphalt is disturbed.
- There is a shared 30' driveway access off 600 North that serves all three lots.

Storm Drain

- With no curb & gutter along 600 North, the existing shoulder will contain the drainage.

Trails

- No trails are shown to be constructed within the development.

Irrigation

- The proposed subdivision will need to provide an irrigation service to each lot.
- There is an existing 4" PI stub to the east end of the proposed development. This should be abandoned and the valve removed.
- A min of 4" line will need to be installed to lot three to provide adequate service.

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