

Midway City Council
19 January 2021
Regular Meeting

Lime Canyon Meadows /
Plat Amendment



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: January 19, 2021
NAME OF PROJECT: Lime Canyon Meadows
PROJECT ENGINEER: Berg Engineering
OWNER OF RECORD: Brandon Firth
AGENDA ITEM: Plat Amendment
LOCATION OF ITEM: 971 West Lime Canyon Road
ZONING DESIGNATION: R-1-22

ITEM: 7

Berg Engineering, agent for Brandon Firth, is requesting a Plat Amendment of Lot 4 of Lime Canyon Meadows. The proposal would reconfigure the private irrigation line easement on the property. Lot 4 is 0.5 of an acre and is located at 971 West Lime Canyon Road and is in the R-1-22 zone.

BACKGROUND:

This request is to amend the Lime Canyon Meadows subdivision plat. The proposed amendment would reconfigure the private irrigation line easement along the west property line of lot 4. The reconfiguration will allow more room for a future dwelling on the property. The easement is owned by The Homestead Group LLC and is used to route water from their spring in Lime Canyon to The Homestead Resort property on the north side of Lime Canyon Road.

The current easement is 15' wide and is contiguous and parallel to a 10' wide public utility easement that also runs along the west property line. The proposal would reduce the 15' wide private easement to 5'. Scott Jones, of The Homestead Group LLC, submitted a letter to staff that gives its consent to the proposed amendment (please see attached). His letter states in part:

The Homestead gives its consent, with the conditions listed below, to amend the plat for Lime Canyon Meadows Lot 4. The proposed amendment will reduce the width of the easement for the private irrigation line owned by The Homestead.

- 1. The Homestead will be allowed to use the ten foot (10') public utility easement that is adjacent to the irrigation easement for access. The public utility easement will remain free of structures, trees and landscaping that would prevent access.*
- 2. The existing irrigation line must be within the proposed irrigation easement. If the existing irrigation line is not within the easement, a new line will be installed within the amended easement.*
- 3. The Homestead has the right to inspect, maintain, repair and replace the irrigation line at any time. The Homestead is responsible to repair or replace property disturbed during maintenance, repair or while replacing the irrigation line.*

LAND USE SUMMARY:

- Lime Canyon Meadows is 2-acres and contains four lots
- Lot 4 is 0.5 of an acre
- R-1-22 zoning
- Proposal will vacate and reduce the width and area of a private irrigation easement

ANALYSIS:

Homestead's private irrigation easement – The Homestead has a spring in Lime Canyon that is used to irrigate some of the resort property. The irrigation system that routes water from the spring to the resort property follows the easements in the Lime Canyon Meadows plat. The easement is private and can only be used by The Homestead. No other parties, including the City, have rights to use the easement. The

Homestead has agreed to reduce the area and width of the easement and since the easement is private, no other parties should be disturbed.

Lot 4 – Lot 4 is 0.50 of an acre. The buildable area of lot 4 will increase because of the reduction of the width and area of the easement. The width at the front of lot 4 is 115' and at the rear of the lot is 104'. The buildable width of the lot with the current easement, using the front lot line width of 115' and subtracting the required side setbacks (12' minimum and 28' combined), is about 78'. With the proposed amendment, the buildable width of the lot will be about 87'.

Public utility easement – The 10' public utility easement that runs parallel the private easement will remain unchanged with this proposal.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Bouwhuis: I make a motion that we recommend approval of a Plat Amendment of Lot 4 of Lime Canyon Meadows. The proposal would reconfigure the private irrigation line easement on the property. Lot 4 is 0.5 of an acre and is located at 971 West Lime Canyon Road and is in the R-1-22 zone. We accept staff findings and the condition that the item 2 in the letter from The Homestead LLC has been met.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners Bouwhuis, Ream, Garland, Simons and Whitney

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The proposal does meet the intent of the General Plan for the R-1-22 zone
- The proposal does comply with the land use requirements of the R-1-22 zone
- The proposed amendment will only impact The Homestead's private irrigation easement
- A letter of consent from Scott Jones of The Homestead Group LLC has been received
- The public utility easement will remain unchanged

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds the proposal meets the intent of the code and any 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 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 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:

No proposed conditions.

Exhibits

Exhibit 1 – Location Maps

Exhibit 2 – Current Plat

Exhibit 3 – Proposed Amended Plat

Exhibit 4 – The Homestead Letter

Exhibit 1



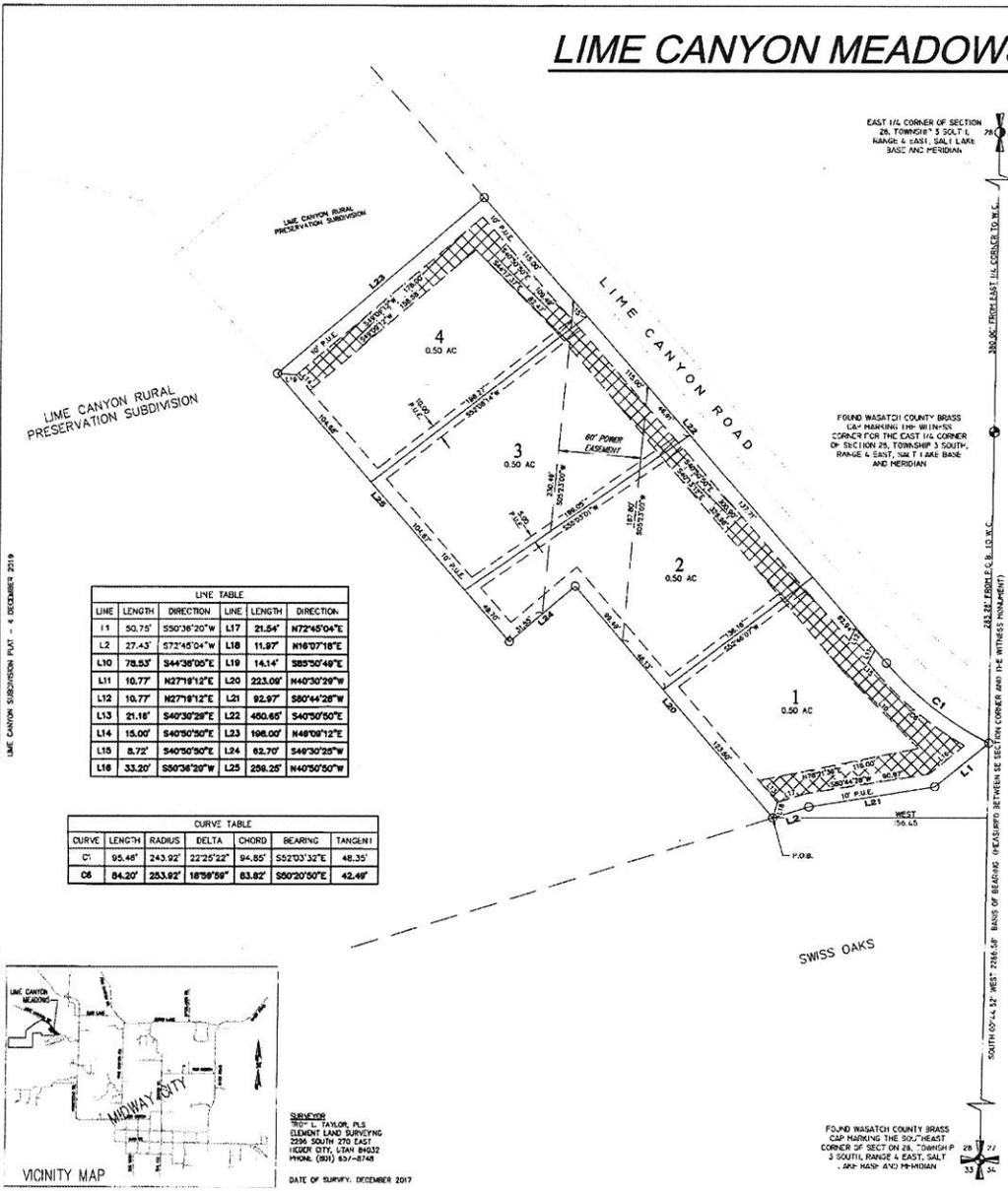


Lot 4

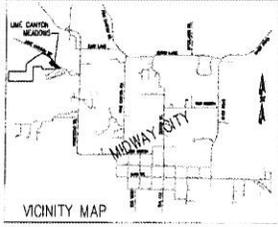
Lime Canyon Estates

Exhibit 2

LIME CANYON MEADOWS



LIME CANYON SUBDIVISION PLAT - 6 DECEMBER 2019

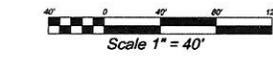


SURVEYOR
 TROY L. TAYLOR, PLS.
 ELEMENT LAND SURVEYING
 2356 SOUTH 270 EAST
 MIDWAY CITY, UTAH 84057
 PHONE: (801) 657-8748

DATE OF SURVEY: DECEMBER 2017

FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

383.25' BEARING EAST 1/4 CORNER TO N.E.C. SOUTH 00°44'52" WEST 2286.58' OF BEARING BETWEEN DE SECTION CORNER AND THE WITNESS MONUMENT



POWER EASEMENT NOTE:
 NO BUILDINGS, STRUCTURES OR TREES ARE ALLOWED IN THE 60 FOOT POWER EASEMENT.

- SYMBOL LEGEND**
- ⊙ SURVEY BOUNDARY
 - ⊙ SET REBAR WITH CAP STAMPS ELEMENT LAND SURVEYING PLS 8884112
 - ⊙ FOUND REBAR WITH CAP
 - ⊕ FOUND SECTION CORNERS (AS SHOWN ON DRAWING)
 - ⊗ 20' IRRIGATION EASEMENT (HOMETECS)

ADDRESS TABLE

LOT	ADDRESS
1	921 WEST LIME CANYON ROAD
2	939 WEST LIME CANYON ROAD
3	957 WEST LIME CANYON ROAD
4	971 WEST LIME CANYON ROAD

ADDRESSING DETERMINED BY WASATCH COUNTY GIS

RIGHT TO FARM NOTICE:
 PURCHASERS OF LOTS IN THIS DEVELOPMENT ARE HEREBY NOTIFIED THAT THEY ARE PURCHASING PROPERTY ADJACENT TO OR NEARBY FARMLAND AND AGREE TO PROTECT THE RIGHT TO FARM OF THESE PROPERTY OWNERS. PURCHASERS ARE ADVISED THAT FARM HORSES RUN LATE AND BEGIN EARLY AND THAT FARM OPERATIONS AND ANIMALS CREATE NOISE AND ODORS WHICH MAY BE OBJECTIONABLE TO SOME PURCHASERS. EVEN THOUGH FARMERS MAY NOT DIRECTLY WATER YOUR PROPERTIES, YOU MAY EXPERIENCE GROUND WATER SEEPAGES AND/OR SPRINKLED OVERSPRAY FROM THEIR IRRIGATION. CHIPPING GRASS CLIPPINGS OR ANY OTHER MATERIALS ONTO THE PROPERTY OF ANOTHER WITHOUT PERMISSION IS AN ILLEGAL TRESPASS.

Midway Irrigation Company
 DATE: 4-23-20

Midway Sanitation District
 DATE: 4-27-20

COUNTY RECORDER
 ENTRY: 480713 BOOK: 1301 PAGE: 437-446
 DATE: 02-26-2020 TIME: 9:36 AM FEE: \$58.00
 FOR: TAYLOR, TROY L. PLAT 19477-6
 RE: LIME CANYON MEADOWS PLAT FOR REBAR

COUNTY SURVEYOR
 APPROVED AS TO FORM ON THIS 7th DAY OF FEBRUARY, 2020
 1051 3043
 TROY L. TAYLOR
 COUNTY SURVEYOR

BOUNDARY DESCRIPTION
 BEGINNING AT A POINT WHICH IS SOUTH 00°44'52" WEST 283.26 FEET AND WEST 158.45 FEET FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE WITNESS CORNER FOR THE EAST 1/4 CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.
 THENCE NORTH 40°30'28" WEST 223.09 FEET; THENCE SOUTH 49°30'28" WEST 62.70 FEET; THENCE NORTH 40°50'50" WEST 259.25 FEET; THENCE NORTH 49°09'12" EAST 198.00 FEET; THENCE SOUTH 40°50'50" EAST 450.00 FEET; THENCE ALONG THE ARC OF A 243.92 FOOT RADIUS CURVE TO THE LEFT 85.48 FEET (CENTRAL ANGLE OF 22°25'22" AND A CHORD BEARING SOUTH 52°03'32" EAST 94.85 FEET); THENCE SOUTH 00°38'20" WEST 50.75 FEET; THENCE SOUTH 80°44'28" WEST 92.97 FEET; THENCE SOUTH 72°45'04" WEST 27.43 FEET TO THE POINT OF BEGINNING.
 CONTAINING: 2.00 ACRES

BASIS OF BEARING
 THE BASIS OF BEARING IS SOUTH 00°44'52" WEST 2286.58' (MEASURED BETWEEN SECTION CORNER AND WITNESS MONUMENT).

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 LOTS, PUBLIC STREETS, AND EASEMENTS AND HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS 8th DAY OF July, A.D. 2020
 BY: Brett Robert Walker DEBT: Debbie Mirele Walker

ACKNOWLEDGMENT
 STATE OF UTAH }
 COUNTY OF WASATCH } S.S.
 ON THE 8th DAY OF July, A.D. 2020 PERSONALLY APPEARED BEFORE ME Brett Robert Walker WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED.
 MY COMMISSION EXPIRES: 1/31/23 Bobby O'Brien
 NOTARY PUBLIC

ACKNOWLEDGMENT
 STATE OF UTAH }
 COUNTY OF WASATCH } S.S.
 ON THE 8th DAY OF July, A.D. 2020 PERSONALLY APPEARED BEFORE ME Bobby O'Brien WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED.
 MY COMMISSION EXPIRES: 1/31/23 Bobby O'Brien
 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.
 THE 7th DAY OF July, A.D. 2020
 APPROVED: Scott Johnson MAYOR TEST: Scott Johnson
 APPROVED: Casey CITY ATTORNEY APPROVED: Casey CITY ATTORNEY

PLANNING COMMISSION APPROVAL
 APPROVED THIS 11th DAY OF May, A.D. 2020 BY THE
Mike R. Fisher PLANNING DIRECTOR Jeff Nickerson PLANNING COMMISSION

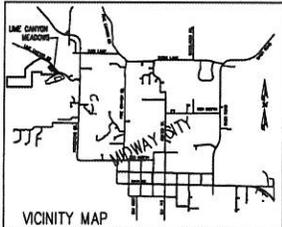
SURVEYOR'S CERTIFICATE
 IN ACCORDANCE WITH SECTION 10-9-603 OF THE UTAH CODE, I, TROY L. TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 8884112 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTIONS 17-23 17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.
 DATE: April 6, 2020 Troy Taylor SURVEYOR (SEE BACK)

LIME CANYON MEADOWS
 MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.
 SCALE: 1" = 40' FEET

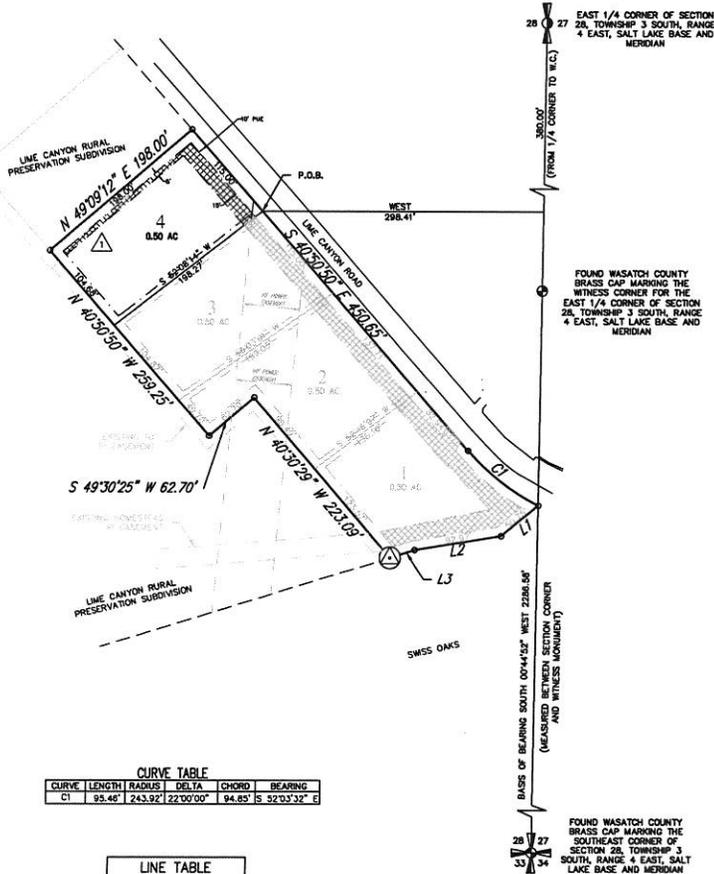
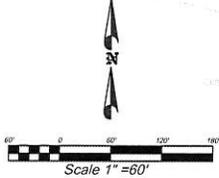
SEALS:
 SURVEYOR SEAL: TROY L. TAYLOR
 MIDWAY PUBLIC SEAL: [Signature]
 CITY ENGINEER SEAL: [Signature]
 PLANNING COMMISSION SEAL: [Signature]
 NOTARY PUBLIC SEAL: [Signature]

Exhibit 3

LIME CANYON MEADOWS - LOT 4 AMENDED



LOCATED IN THE NORTHEAST AND SOUTHEAST QUARTERS OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	95.46'	243.92'	22°00'00"	94.83'	S 52°33'32" E

LINE	LENGTH	BEARING
L1	50.75'	S50°36'20" W
L2	92.97'	S80°44'38" W
L3	27.50'	S72°45'04" W

SURVEYOR
TROY L. TAYLOR, PLS.
ELEMENT LAND SURVEYING
2286 SOUTH 270 EAST
MIDWAY CITY, UTAH 84032
PHONE (801) 557-8748

DATE OF SURVEY: DECEMBER 2017

BOUNDARY DESCRIPTION
BEGINNING AT A POINT WHICH IS NORTH 00°44'32" EAST 84.30 FEET AND WEST 296.41 FEET FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE WITNESS CORNER FOR THE EAST 1/4 CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.
THENCE SOUTH 52°06'14" WEST 198.27 FEET; THENCE NORTH 40°50'30" WEST 104.88 FEET; THENCE NORTH 49°09'12" EAST 198.00 FEET; THENCE SOUTH 40°50'30" EAST 115.00 FEET TO THE POINT OF BEGINNING.
CONTAINING: 0.50 ACRES

BASIS OF BEARING
THE BASIS OF BEARING IS SOUTH 00°44'32" WEST 2288.58' (MEASURED BETWEEN SECTION CORNER AND WITNESS MONUMENT).

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 LOTS, PUBLIC STREETS, AND EASEMENTS AND HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.
DATED THIS _____ DAY OF _____, A.D. 20____
BY: BRANDON FIRTH

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 HERE)
APPROVED: _____ CITY ENGINEER APPROVED: _____ CITY ATTORNEY

PLANNING COMMISSION APPROVAL
APPROVED THIS _____ DAY OF _____, A.D. 20____, BY THE _____ CITY PLANNING COMMISSION
PLANNING DIRECTOR: _____ CHAIRMAN, PLANNING COMMISSION: _____

SURVEYOR'S CERTIFICATE
IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, TROY L. 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 HERE)

LIME CANYON MEADOWS- LOT 4 AMENDED
MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH
LOCATED IN THE NORTHEAST AND SOUTHEAST QUARTERS OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.
SCALE: 1" = 60' FEET

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

POWER EASEMENT NOTE:
NO BUILDINGS, STRUCTURES OR TREES ARE ALLOWED IN THE 60 FOOT POWER EASEMENT.

- SYMBOL LEGEND**
- ⊙ SURVEY BOUNDARY
 - ⊙ SET REBAR WITH CAP STAMPED ELEMENT LAND SURVEYING PLS 6854112
 - ⊙ FOUND REBAR WITH CAP
 - ⊕ FOUND SECTION CORNERS (AS NOTED ON DRAWING)
 - ⚠ PRIVATE IRRIGATION EASEMENT (FOR THE HOMESTEAD)

ADDRESS TABLE

LOT	ADDRESS
1	821 WEST LIME CANYON ROAD
2	838 WEST LIME CANYON ROAD
3	855 WEST LIME CANYON ROAD
4	971 WEST LIME CANYON ROAD

AMENDMENT LEGEND
WIDTH OF PRIVATE IRRIGATION EASEMENT REVISED.

RIGHT TO FARM NOTICE:
PURCHASERS OF LOTS IN THIS DEVELOPMENT ARE HEREBY NOTIFIED THAT IF THEY ARE PURCHASING PROPERTY ADJACENT TO OR NEARBY FARMLAND AND AGREE TO PROTECT THE RIGHT TO FARM OF THESE PROPERTY OWNERS, PURCHASERS ARE ADVISED THAT FARM HORNS RUN LATE AND BEGIN EARLY AND THAT FARM OPERATIONS AND ANIMALS CREATE NOISE AND ODORS WHICH MAY BE OBJECTIONABLE TO SOME PURCHASERS, EVEN THOUGH FARMERS MAY NOT DIRECTLY WATER YOUR PROPERTIES, YOU MAY EXPERIENCE GROUND WATER SEEPAGES AND/OR SPRINKLER OVERSPRAY FROM THEIR IRRIGATION, DUMPING GRASS CLIPPINGS OR ANY OTHER MATERIALS ONTO THE PROPERTY OF ANOTHER WITHOUT PERMISSION IS AN ILLEGAL TRESPASS.

DATE: _____
MIDWAY IRRIGATION COMPANY
DATE: _____
MIDWAY SANITATION DISTRICT
COUNTY RECORDER

COUNTY SURVEYOR
APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20____
ROS # _____
COUNTY SURVEYOR

Exhibit 4



December 1, 2020

Brandon Firth
P.O. Box 42
Midway, Utah 84049

Re: Lime Canyon Meadows Lot 4
Plat Amendment to Reduce Width of Homestead Irrigation Easement

Dear Brandon:

The Homestead gives its consent, with the conditions listed below, to amend the plat for Lime Canyon Meadows Lot 4. The proposed amendment will reduce the width of the easement for the private irrigation line owned by The Homestead.

1. The Homestead will be allowed to use the ten foot (10') public utility easement that is adjacent to the irrigation easement for access. The public utility easement will remain free of structures, trees and landscaping that would prevent access.
2. The existing irrigation line must be within the proposed irrigation easement. If the existing irrigation line is not within the easement, a new line will be installed within the amended easement.
3. The Homestead has the right to inspect, maintain, repair and replace the irrigation line at any time. The Homestead is responsible to repair or replace property disturbed during maintenance, repair or while replacing the irrigation line.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Jones", written in a cursive style.

Scott Jones
The Homestead Group LLC

Copy: Michael Henke, Midway City Planner
Paul Berg, Berg Engineering
Brett Walker