

#### PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** June 9, 2020

NAME OF PROJECT: Whispering Creek Estates

NAME OF APPLICANT: Mike Harvie

OWNER OF RECORD: Cari Lane LLC

AGENDA ITEM: Preliminary Approval

LOCATION OF ITEM: 515 Cari Lane

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

#### ITEM: 2

Mike Harvie of the Ramp Group, agent for Cari Lane LLC, is proposing preliminary approval for Whispering Creek Estates. The proposal contains seven lots and is on 4.81 acres. The property is located at 515 East Cari Lane and is in the R-1-15 zone.

#### **BACKGROUND:**

This request is for preliminary approval of a large-scale subdivision on 4.81 acres and will contain seven lots. The seven lots proposed in the subdivision will obtain frontage along a new road built within the subdivision. The property is in the R-1-15 zone and all lots in the subdivision do comply with the requirements of the code regarding frontage and acreage. The proposed subdivision will combine two parcels (OMI-0186-0 and OMI-0550-0) and the Cosper Subdivision. The Cosper Subdivision is a one lot plat that was recorded 5-31-2017. The plat will be vacated before the proposed subdivision may be recorded. There is one dwelling on the property that will be on lot 2 in Whispering Creek Estates.

#### LAND USE SUMMARY:

- 4.81-acre property
  - OMI-0186-0 1.22 acres
  - o OMI-0550-0 2.25 acres
  - Cosper Subdivision 1.57 acres
- R-1-15 zoning
- Proposal contains seven lots
- Access from Cari Lane
- Sensitive lands are present including floodplain and wetlands
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

#### ANALYSIS:

Access – Access will be from Cari Lane. A second access is not required because the cul-de-sac is less than 1,300' in length and there are not more than 11 lots in the subdivision. The new road will create a four-way intersection on Cari Lane and 520 West which accesses the Lodges at Snake Creek.

Geotechnical Study – A Geotechnical Study has been submitted to the City and portions of that study are attached to the preliminary staff report. A copy of the report is available in the Planning Office for review.

Sensitive lands – There are wetlands and FEMA floodplain areas in the proposed subdivision area. A wetland map has been submitted to the City along with a wetlands delineation and inventory investigation (please see attached). The code requires a 25' buffer area for any structures and disturbance from any delineated wetlands. The buffer area has been included in the plans. The study has been submitted to the City and to the US Army Corp. of Engineers for their review and approval. The City has not received information that the delineation report has been approved by the US Army Corp.

The proposal includes FEMA flood zone areas including Zone AE (1% annual flood) which requires a 50' setback. The 50' setback has been marked on the plans from Zone AE. No structures may be located in this area, but the setback area may be filled and landscaped. Landscaping is allowed in the FEMA flood area, but nothing is allowed that will modify the FEMA flood zone, this includes placing rocks or fill of any type in this area that impacts the functionality of the floodplain. There is area in the subdivision that is designated Zone X which is area of the 500-year flood (0.2%)

annual chance flood) and is considered a low risk area but there is flooding potential. Flood insurance is not federally required but it is recommended in the Zone X area. A note should be placed on the plat that advises future owners of lots 4 and a small section of lots 2 and 5 (though the dwelling may be located completely outside of the zone on lots 2 and 5) of the potential flood hazard. To meet the 50' the building pads for lots 4 and 5 must be adjusted.

*Water Connection* – The lots will connect to water lines that will be built by the developer and connect to the City's water lines along Cari Lane.

Sewer Connection – The lots will connect to Midway Sanitations District's sewer lines located in the area.

Secondary Water Connection – The lots will connect to Midway Irrigation Company's secondary which is already servicing the property. Laterals will be created for all seven lots. Secondary water meters are required for each lateral.

*Trails* – There are no planned trails on the Trail System Master Plan in the proposal area. 5' sidewalks will be included on both sides of the proposed street and around the cul-de-sac.

Public Street – The developer will build the proposed road that will create access and frontage for the development. The right-of-way will be 56' wide except where it will extend at the bulb of the cul-de-sac. The street will be 30', with modified curb, 5' park strips, and 5' sidewalks.

Open Space – Because the property is less than six acres there is not an open space requirement.

100' Setback Requirement – The subdivision code requires a 100' setback from the edge of the right-of-way for Cari Lane for any structures. The setback line will be noted on the plat so no structures, including accessory structures, are placed in this area.

Lot 3 Access – The driveway for lot 3 will cross Snake Creek and a Stream Alteration Permit is required for the crossing. Approval for the crossing must be given by the Army Corps of Engineers before the subdivision receives final approval. The developer must build the crossing to lot 3 as part of the subdivision infrastructure.

#### WATER BOARD RECOMMENDATION:

The Water Board has recommended that 16.73-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.

#### **POSSIBLE FINDINGS:**

- The proposal does meet the intent of the General Plan for the R-1-15 zone
- The proposal does comply with the land use requirements of the R-1-15 zone
- Sensitive lands are on the property and setbacks will be included on the plat along with notes informing future lot owners of any risk

#### **ALTERNATIVE ACTIONS:**

- 1. <u>Recommendation of Approval (conditional)</u>. This action can be taken if the Planning Commission finds that conditions placed on the approval can resolve any outstanding issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
- 2. <u>Continuance</u>. This action can be taken if the Planning Commission 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. <u>Recommendation of Denial</u>. This action can be taken if the Planning Commission 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. A wetlands study must be approved by the Army Corps of Engineers before the item is reviewed for preliminary approval by the City Council.
- 2. A stream alteration permit must be approved before final approval is granted by the City Council.
- 3. A note shall be placed on the plat that advises future owners of lots 2, 4 and 5 of the potential flood hazards.
- 4. The developer must build the driveway crossing in lot 3 as part of the subdivision infrastructure.
- 5. The building envelope for lot 5 must be updated so that no part of the building envelope is within 50' of the FEMA Zone AE floodplain.

728 West 100 South Heber, UT 84032 www.horrocks.com



Heber Office Tel: 435.654.2226 Fax: 435.657.1160

June 9, 2020

Midway City Attn: Michael Henke 75 North 100 West Midway, Utah 84049 (sent via E-mail)

Subject: Whispering Creek Estates – Preliminary Review

#### Dear Michael:

Horrocks Engineers recently reviewed the Whispering Creek Estates for Preliminary Review. The proposed subdivision is located at approximately 515 West Cari Lane. The proposed subdivision consists of 7 lots. We find the Preliminary plans to be complete. The following items should be addressed.

#### General Comments

- The roads, culinary water, pressurized irrigation system, and storm drain systems within this development will be public infrastructure and maintained by Midway City.
- All drawings and standards should meet the Midway City updated 2020 specifications.

#### Water

- The proposed development will be served from the Cottages on the Green pressure zone.
- The water line will connect to the existing 12" water line in Cari Lane.

#### Roads

• The proposed road within the development will be a 56'public right-of-way, with a cul-de-sac at the south end of the development.

#### Trails:

 There are no proposed trails located within the subdivision. There will be a five-foot sidewalk on each side of the proposed road.

#### Storm Drain

• The storm water within the proposed development will be collected and retained onsite using a *Stormtec* System. The *Stormtec* System will be a public system.

#### Sensitive Lands

- A stream alteration permit should be obtained prior to application for final approval.
- A wetland delineation has been submitted to the Army Corp. The Corp should accept the delineation prior to approval.
- The wet land and flood plains with their required setbacks on plans should be shown on the plat map.

- The 25 foot setbacks shall be maintain around all delineated wet lands as approved by the Corp.
- The 50' setbacks shall be maintained around all FEMA flood Zones.

Please feel free to call our office with any questions.

Sincerely,

HORROCKS ENGINEERS

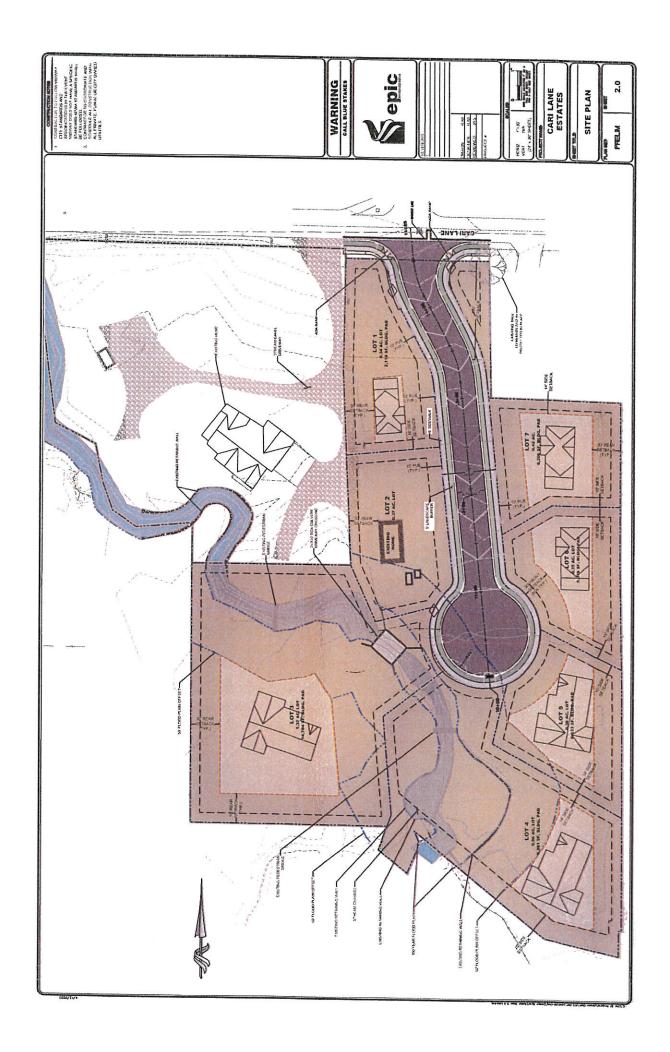
Wesley Johnson, P.E.

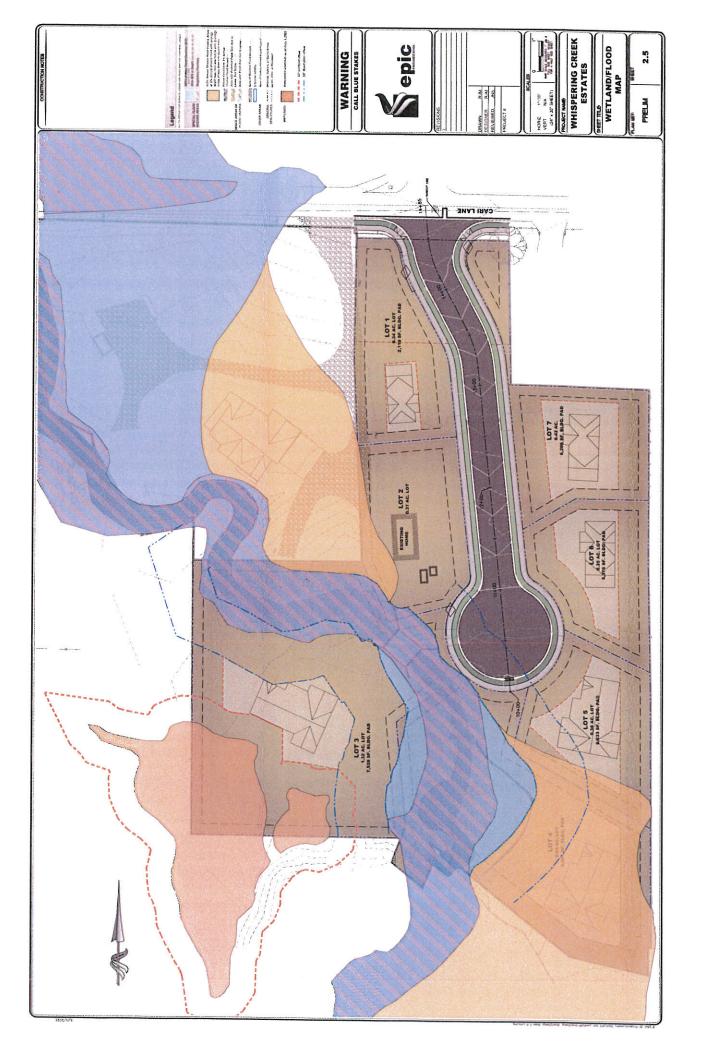
Midway City Engineer

cc: Rocky Malin,

Epic Engineering, (sent via E-mail)









# REPORT GEOTECHNICAL STUDY PROPOSED CREEKSIDE ESTATES 515 CARI LANE MIDWAY, UTAH

February 27, 2020

Job No. 609-004-20

Prepared for:

Construction Services Consulting PO Box 571363 Murray, Utah 84157

Prepared by:

Gordon Geotechnical Engineering, Inc. 4426 South Century Drive, Suite 100 Salt Lake City, Utah 84123 Tel: 801-327-9600 Fax: 801-327-9601

www.gordongeotech.com



February 27, 2020 Job No. 609-004-20

Construction Services Consulting PO Box 571363 Murray, Utah 84157

Attention:

Mr. Pete Skolmoski

Ladies and Gentlemen:

Re: Report

Geotechnical Study

Proposed Creekside Estates

515 Cari Lane Midway, Utah

#### 1. INTRODUCTION

#### 1.1 GENERAL

This report presents the results of our geotechnical study performed at the site of the proposed Creekside Estates which is located at 515 Cari Lane in Midway, Utah. The general location of the site with respect to major topographic features and existing facilities, as of 1998 and 1999, is presented on Figure 1, Vicinity Map. A detailed location of the site showing existing roadways and surrounding facilities, on an air photograph base, is presented on Figure 2, Area Map. The locations and alignments of photographs taken of the site during the field portion of study are also shown on Figure 2. A more detailed layout of the site showing the proposed lot boundaries and building footprints is presented on Figure 3, Site Plan. The locations of the test pits excavated in conjunction with this study are also presented on Figure 3.

#### 1.2 OBJECTIVES AND SCOPE

The objectives and scope of our study were planned in discussions between Mr. Pete Skolmoski of Construction Services Consulting and Mr. Patrick Emery of Gordon Geotechnical Engineering, Inc. (G<sup>2</sup>).

Gordon Geotechnical Engineering, Inc. 4426 South Century Drive, Suite 100 Salt Lake City, Utah 84123

Tel: 801-327-9600 Fax: 801-327-9601 www.gordongeotech.com Job No. 609-004-20 Geotechnical Study February 27, 2020



In general, the objectives of this study were to:

- 1. Accurately define and evaluate the subsurface soil and groundwater conditions across the site.
- 2. Provide appropriate foundation, earthwork, pavement, and geoseismic recommendations to be utilized in the design and construction of the proposed development.

In accomplishing these objectives, our scope has included the following:

- 1. A field program consisting of the excavating, logging, and sampling of five test pits at the site.
- 2. A laboratory testing program.
- 3. An office program consisting of the correlation of available data, engineering analyses, and the preparation of this summary report.

#### 1.3 AUTHORIZATION

Authorization was provided by returning a signed copy of our professional services agreement No. 20-0102 dated January 2, 2020.

#### 1.4 PROFESSIONAL STATEMENTS

Supporting data upon which our recommendations are based are presented in subsequent sections of this report. Recommendations presented herein are governed by the physical properties of the soils encountered in the exploration test pits, measured and projected groundwater conditions, and the layout and design data discussed in Section 2., Proposed Construction, of this report. If subsurface conditions other than those described in this report are encountered and/or if design and layout changes are implemented, G² must be informed so that our recommendations can be reviewed and amended, if necessary.

Our professional services have been performed, our findings developed, and our recommendations prepared in accordance with generally accepted engineering principles and practices in this area at this time.

#### 2. PROPOSED CONSTRUCTION

A seven-lot single-family residential subdivision is planned for the three and one-half-acre site. The proposed structures are anticipated to be two to three levels above grade with a partial- to full-depth basement level. Construction will be of reinforced concrete below grade and wood-

Job No. 609-004-20 Geotechnical Study February 27, 2020



frame construction above grade. Maximum column and wall loads are projected to be on the order of 40 to 60 kips and 2 to 3 kips per lineal foot, respectively.

Site development will require a minor amount of earthwork in the form of site grading. It is estimated that maximum cuts and fills to achieve design grades will be on the order of three to four feet.

A 435-foot long at-grade roadway terminating in a cul-de-sac will provide access to the lots. Traffic over the pavement will consist of a light to moderate volume of automobiles and light trucks, and some medium-weight trucks.

#### 3. INVESTIGATIONS

#### 3.1 FIELD PROGRAM

In order to define and evaluate the subsurface soil and groundwater conditions across the site, five test pits were excavated to a depths ranging from two to eight and one-half feet below existing grade. It should be noted that excavation refusal was encountered on hard hot spring deposits (tufa) at all test pits except for Test Pit TP-5. The limited depth of Test Pit TP-5 was due to saturated granular soils flowing into the test pit. Locations of the test pits are presented on Figure 3.

The field portion of our study was under the direct control and continual supervision of an experienced member of our geotechnical staff. During the course of the excavation operations, a continuous log of the subsurface conditions encountered was maintained. In addition, relatively undisturbed and small disturbed samples of the typical soils encountered were obtained for subsequent laboratory testing and examination. The soils were classified in the field based upon visual and textural examination. These classifications have been supplemented by subsequent inspection and testing in our laboratory. Detailed graphical representation of the subsurface conditions encountered is presented on Figures 4A through 4E, Log of Test Pits. Soils were classified in accordance with the nomenclature described on Figure 5, Unified Soil Classification System.

Disturbed bag samples were collected from the soils brought up by the backhoe bucket. Additionally, relatively undisturbed samples were obtained utilizing thin-walled hand sampling equipment.

Following completion of excavating and logging, each test pit was backfilled. The backfill was not placed in uniform lifts and compacted to a specific density. Consequently, settlement of the backfill with time is likely to occur.

#### REQUEST FOR AQUATIC RESOURCES DELINEATION VERIFICATION

#### OR JURISDICTIONAL DETERMINATION

A separate jurisdictional determination (JD) is not necessary to process a permit. An Approved Jurisdictional Determination (AJD) is required to definitively determine the extent of waters of the U.S. and is generally used to disclaim jurisdiction over aquatic resources that are not waters of the U.S., in cases where the review area contains no aquatic resources, and in cases when the recipient wishes to challenge the water of the U.S. determination on appeal. Either an Aquatic Resources Delineation Verification or a Preliminary Jurisdictional Determination (PJD) may be used when the recipient wishes to assume that aquatic resources are waters of the U.S. for the purposes of permitting. In some circumstances an AJD may require more information, a greater level of effort, and more time to produce. If you are unsure which product to request, please speak with your project manager or call the Sacramento District's general information line at (916) 557-5250.

I am requesting the product indicated below from the U.S. Army Corps of Engineers, Sacramento District, for the review area located at:

Street Address: 535 Cari Lane	_ City: Midway County: Wasatch				
State: Utah Zip: 84049 Section: 27 Township:	3S Range: 4E				
Latitude (decimal degrees): 40.528449° Longitude (decimal	al degrees): -111.483788°				
The approximate size of the review area for the JD isa	acres. (Please attach location map)				
Choose one:	Characteristics				
☐ I own the review area	Choose one product:				
	I am requesting an Aquatic Resources Delineation Verification				
I hold an easement or development rights over the review area	☐I am requesting an Approved JD				
I plan to purchase the review area	☐I am requesting a Preliminary JD				
I am an agent/consultant acting on behalf of the requestor	am requesting additional information to inform my decision				
Other:	about which product to request				
Reason for request: (check all that apply)					
I need information concerning aquatic resources within the review area for planning purposes.  I intend to construct/develop a project or perform activities in this review area which would be designed to avoid all aquatic					
resources.	s review area which would be designed to avoid all aquatic				
	5				
I intend to construct/develop a project or perform activities in this resources determined to be waters of the U.S.	s review area which would be designed to avoid those aquatic				
request is accompanied by my permit application.	s review area which may require authorization from the Corps; this				
Intend to construct/develop a project or perform activities in a p	covins ble water of the LLO which is included a survey of the LLO which is				
I intend to construct/develop a project or perform activities in a n navigable waters under Section 10 of the Rivers and Harbors	Act of 1900 and/or is subject to the able and flow of the title				
My lender insurer investors local unit of government etc. has i	indicated that an acception recovering deline tile.				
My lender, insurer, investors, local unit of government, etc. has indicated that an aquatic resources delineation verification is inadequate and is requiring a jurisdictional determination.					
I intend to contest jurisdiction over particular aquatic resources and request the Corps confirm that these aquatic resources are or					
are not waters of the U.S.					
I believe that the review area may be comprised entirely of dry land.					
Other:					
Attached Information:					
	in the review area consistent with Man and Drawing Charles I. I.				
Maps depicting the general location and aquatic resources within the review area consistent with Map and Drawing Standards for the South Pacific Division Regulatory Program (Public Notice February 2016,					
http://www.spd.usace.army.mil/Missions/Regulatory/Public-Notices-and-References/Article/651327/updated-map-and-drawing-					
standards/)	onces-and-references/Article/051527/updated-map-and-drawing-				
Aquatic Resources Delineation Report, if available, consistent w	with the Sacramente District's Minimum Standards for Assault				
(Public Notice January 2016, http://1.usa.gov/1V68IYa)					
By signing below, you are indicating that you have the authority, or	r are acting as the duly authorized agent of a person or entity with				
such authority, to and do hereby grant Corps personnel right of entry to legally access the review area. Your signature shall be an					
affirmation that you possess the requisite property rights for this request on the subject property.					
*Signature: Da	ate: 5/6/2020				
1.000	ny name: Cari Lane LLC				
Address: PO Box 195	y name.				
Midway, UT 84049					
Telephone: 719-330-7854 Email: clarkj	g1229@gmail.com				
Littali.	1 E E O G G H A H A H A H A H A H A H A H A H A				

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to receive jurisdiction under the regulatory authorities referenced above.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.



50 East 100 South Heber City, Utah 84032 Phone: (435) 654-6600

## Wetlands Delineation and Inventory Investigation Cari Lane Estates Wasatch County, Utah

Prepared by:

Epic Engineering 50 East 100 South Heber City, Utah 84032

Epic Job Number: 20-RR-002

Prepared for:

Rimrock, LLC 12731 North 4400 West Cornish, UT 84308

May 2020

## TABLE OF CONTENTS EPIC JOB NUMBER: 20-RR-002

1.0	II	NTRC	DUCTION	1
1.	1	INTF	RODUCTION	1
1.	2	DIRE	ECTIONS TO DELINEATION STUDY AREA	1
1.	3	SITE	DESCRIPTION	1
	1.3.3	1	General Site Conditions	1
	1.3.2	2	National Wetland Inventory Information	1
	1.3.3	3	Vegetation	2
	1.3.4	4	Soils	2
	1.3.5	5	Hydrology	2
1.	4	EXIS	TING FIELD CONDITIONS	2
2.0	WAT	ERS	OF THE U.S. DELINEATION METHODOLOGY	3
2.	1	DELI	NEATION METHODOLOGY FOR WETLANDS	3
	2.1.3	1	Hydrophytic Vegetation	3
	2.1.2	2	Hydric Soils	3
	2.1.3	3	Wetland Hydrology	4
	2.1.4	4	Wetland Boundary Determination Procedure	4
3.0	DELI	NEA	TION RESULTS	4
3.	1	WET	LANDS	5
	3.1.3	1	Riverine Wetlands	5
	3.1.2	2	Ponding Wetland	5
4.0	SUM	IMAF	RY	6

### TABLE OF CONTENTS EPIC JOB NUMBER: 20-RR-002

#### **APPENDIX A - FIGURES**

FIGURE 1: SITE VICINITY MAP AND USGS TOPOGRAPHIC 7.5' QUADRANGLE

FIGURE 2: NATIONAL WETLANDS INVENTORY

FIGURE 3: NRCS SOILS MAP

FIGURE 4: 1953 IMAGERY

FIGURE 5: 1962 IMAGERY

FIGURE 6: 1990 IMAGERY

FIGURE 7: 2006 IMAGERY

FIGURE 8: EPIC DELINEATED WETLANDS

APPENDIX B - CUSTOM SOILS RESOURCES REPORT

APPENDIX C - FIELD FORMS

**APPENDIX D - FIELD PHOTOS** 

