



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: April 2, 2024
NAME OF PROJECT: Sage Hill Estates
NAME OF APPLICANT: Cole Knight
OWNER: David C. (Cole) Knight & Jesse Diyanni
AGENDA ITEM: Preliminary/Final Approval
LOCATION OF ITEM: 85 River Road
ZONING DESIGNATION: R-1-7

ITEM: 7

Sage Hill Estates / Preliminary and Final Approval (Cole Knight and Jesse Diyanni – Approximately 20 minutes) – Discuss and possibly deny, continue, or grant preliminary and final approval for Sage Hill Estates located at 85 North River Road (Zoning is R-1-7) This matter is scheduled for Public Hearing - Public comment must be related to this item on the agenda.

BACKGROUND:

This request is for preliminary/final approval of a small-scale subdivision on approximately 0.55 acre that will contain two lots. The proposed lots front River Road. Lot 1, comprising 0.30 acre, also fronts 100 North. Lot 2, comprising 0.24 acre, is directly south of Lot 1. The property is in the R-1-7 zoning district and the lots appear to

comply with the minimum requirements of frontage, width, and acreage for a lot in this zone.

One-family dwellings and related accessory buildings are permitted uses in the R-1-7 residential zone. Per the Midway City Code, Section 16.07.010, the objectives and characteristics are as follows:

The objective in establishing the R-1-7 Residential Zone is to provide appropriate locations within the City for development with a higher amount of residential density. In general, this zone is located in the central part of the City, adjacent to commercial areas where the impact of vehicular travel and parking is consonant with adjacent use of land, and where multiple dwellings can best be supplied with necessary public facilities. This zone is characterized by more compact development and somewhat higher volumes of traffic than is characteristic of the R-1-11 and R-1-9 Zones. Representative of the uses within the R-1-7 Zone are one and two-family dwellings and related community facilities.

The property currently contains one standard single-family dwelling (located on the proposed Lot 1) and one detached garage (located on the proposed Lot 2).

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

LAND USE SUMMARY:

- 00-0006-5388 0.55 acre
- R-1-7 zoning
- Proposal contains two (2) lots
- One existing single family dwelling; one existing detached garage. Portions of the garage extend outside the property boundary and the application calls for demolition and removal of the structure.
- Proposed Lot 1 has frontage on River Road and 100 North.
- Proposed Lot 2 has frontage on River Road.
- Sensitive lands – None identified
- The existing parcel connects to Midway Sanitation District sewer, Midway City’s culinary water line, and Midway Irrigation Company’s secondary water line. The addition of a second parcel will necessitate additional connections to these services.

ANALYSIS:

Culinary Water Connection – The proposed Lot 1 has a current culinary connection to the City’s water line located in River Road and the current dwelling is connected to the City’s system. During the River Road reconstruction project, the contractor installed a water lateral to the proposed Lot 2. To avoid future road cuts, the City paid to install the lateral. Prior to recording the plat, the owners shall reimburse the City for the cost of these improvements and pay all connection fees.

Sewer Connections – The proposed Lot 1 has a current connection to Midway Sanitation District’s sewer line located in River Road and the current dwelling on proposed Lot 1 is connected to that system. During the River Road reconstruction project, the contractor installed a sewer lateral to the proposed Lot 2. To avoid future road cuts, the City paid to install the lateral. Prior to recording the plat, the owners shall reimburse the City for the cost of these improvements and pay all connection fees.

Secondary Water Connection – The property is currently connected to Midway Irrigation Company’s water system. During the River Road reconstruction project, the contractor installed a pressurized irrigation lateral to the proposed Lot 2. To avoid future road cuts, the City paid to install the lateral. Prior to recording the plat, the owners shall reimburse the City for the cost of these improvements and pay all connection fees.

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

Width and Frontage Requirements – Section 16.07.050 of the Midway City Code provides that the minimum width and frontage of any building site in the R-1-7 zone shall be 70 feet. The width and frontage for proposed Lot 1 is 99.25’ along River Road. The proposed Lot 1 also has frontage along 100 North consistent with the depth of the lot (133.25’). The width and frontage for proposed Lot 2 is 80’ along River Road.

Setbacks – The small-scale subdivision code (Chapter 16.17) requires a 50’ front setback for any proposed structures fronting River Road. The required setback will be noted on the plat. The existing dwelling does not conform to the required 50’ setback. This dwelling will be considered legal nonconforming and will be subject to Midway’s “Non-conforming Buildings and Uses” section of the municipal code. The existing garage does not conform to the required 50’ setback, and portions of the garage extend beyond the existing boundary. Demolition and removal of the garage will be a condition of any subdivision approval. Any new construction on proposed Lots 1 and 2, and/or new additions to existing structures, will need to comply with the requirements of the code.

Existing Dwelling – The existing dwelling located on proposed Lot 1 is nonconforming to the current code regarding the 50’ setback required for structures fronting River Road. If the dwelling is demolished, the new structure will need to comply with the required 50’ setback from River Road as shown on the plat. If an addition is added to the existing dwelling, the new addition must comply with the 50’ setback from River Road as shown on the plat.

Single-family dwellings – Only single-family dwellings will be allowed on the two lots, even though the R-1-7 zone does allow for duplexes. Duplexes are not allowed because the lots do not comply with the minimum code requirements for duplexes which includes additional water for a second culinary connection, adequate frontage, and minimum lot sizes. A note should be included on the plat advising future lot owners of the limitation.

Existing Garage - The existing garage does not conform to the required 50’ setback requirements, and portions of the garage extend beyond the exiting boundary. Demolition and removal of the garage will be a condition of any subdivision approval.

River Road & 100 North – The applicant will dedicate the required area for River Road and 100 North on the proposed plat. River Road is considered a local collector with a 66’ ROW. 100 North is considered a local road with a 56’ ROW.

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

Access – The proposed lots have frontage and direct access to River Road. Proposed Lot 1 also has frontage and direct access to 100 North.

WATER BOARD RECOMMENDATION:

The Water Board recommended approval during the 3-4-2024 meeting with the following water dedication requirement:

- 0.81-acre parcel (35,284 sq. ft.)
- 0.54-acre parcel (23,522 sq. ft.) after road dedication
 - Impervious area for dwellings, accessory structures, hard surfaces
 - 0.23 acres (10,000 sq. ft.)
 - Irrigated acreage
 - 0.31 acres (13,504) x 3 = 0.9 acre feet
- 2 culinary connections for dwellings
 - 1.6 acre feet
- Total = 0.9 + 1.6 = 2.5 acre feet
- 1.5 acre feet credit for dwelling and historically irrigated yard
- 1.0 acre foot requirement

PLANNING COMMISSION RECOMMENDATION:

At its regularly scheduled meeting on March 12, 2024, the Planning Commission reviewed this application and made the following recommendation:

Motion: Commissioner Wardle: I make a motion that we recommend approval of a preliminary/final application for a small-scale subdivision to be known as Sage Hill Estates. The preliminary plan includes two lots on 0.55 acres. The property is in the R-1-7 zone at 85 North River Road.

We accept the findings in the staff report and conditions and adding a 6th condition of the north lot to have driveway access from 100 North.

Seconded: Commissioner Nokes

Commissioner Ream: Any discussion on the motion?

Commissioner Ream: All in favor.

Ayes: Commissioners: Wardle, Lineback, Nokes, Osborne, Miles

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The proposed lots meet the minimum requirements for the R-1-7 zoning district
- The proposal does meet the intent of the General Plan for the R-1-7 zoning district
- The subdivision will contribute to the master trails plan by adding funds to the general trails fund that will be used to help accomplish the master trails plan
- 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 of time, the development's approval shall be voided, and both Preliminary and 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. 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 the proposal complies with the requirements of the Land Use Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s) if needed

2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
Accept staff report
 - a. List accepted findings
 - b. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - c. 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 comply with the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS:

1. During the River Road reconstruction project, the contractor installed a water, sewer, and pressurized irrigation lateral to the proposed Lot 2. To avoid future road cuts, the City paid to install the laterals. Prior to recording the plat, the owners shall reimburse the City for the cost of these connections.

2. The owners shall dedicate the required areas for River Road and 100 North before recording the plat. River Road is considered a local collector with a 66' ROW, therefore the owners shall dedicate 33'. 100 North is considered a local road with a 56' ROW, therefore the owners shall dedicate 28'.

3. The existing, nonconforming garage on the premises shall be removed prior to the recording of any plat.

4. Access to Lot 1 shall be restricted to a driveway from 100 North since River Road is a collector road and this shall be noted on the plat.

5. The driveway to Lot 2, which accesses River Road, shall have a turn around so that cars are not backing into River Road.

6. A note shall be included on the plat advising that only single-family dwellings are allowed on the two lots.

Midway City Corporation

Mayor: Celeste T. Johnson
City Council Members
Lisa Orme • 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

March 12, 2024

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

Subject: Sage Hills Estates – Preliminary/Final Review

Dear Michael:

We recently reviewed the Sage Hills Estates for Preliminary/Final Review. The proposed subdivision is located at approximately 85 North River Road. The proposed subdivision consists of 2 lots.

General Comments

- As the River Road project was constructed, the contractor installed a water, sewer, and pressurized irrigation lateral to the proposed lot. To avoid future road cuts the City paid to install the laterals. Prior to recording the plat the developer shall reimburse the City for the cost of installing the improvements.

Water

- The water lateral was installed by the River Road contractor and paid for by the City.

Trails:

- No additional trails will be required for this development.

Storm Drain

- The existing roadway shoulder will contain the storm water runoff.

Please feel free to call our office with any questions.

Sincerely,



Wesley Johnson, P.E.
Midway City Engineer

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

Sage Hill Estates Subdivision

March 4, 2024

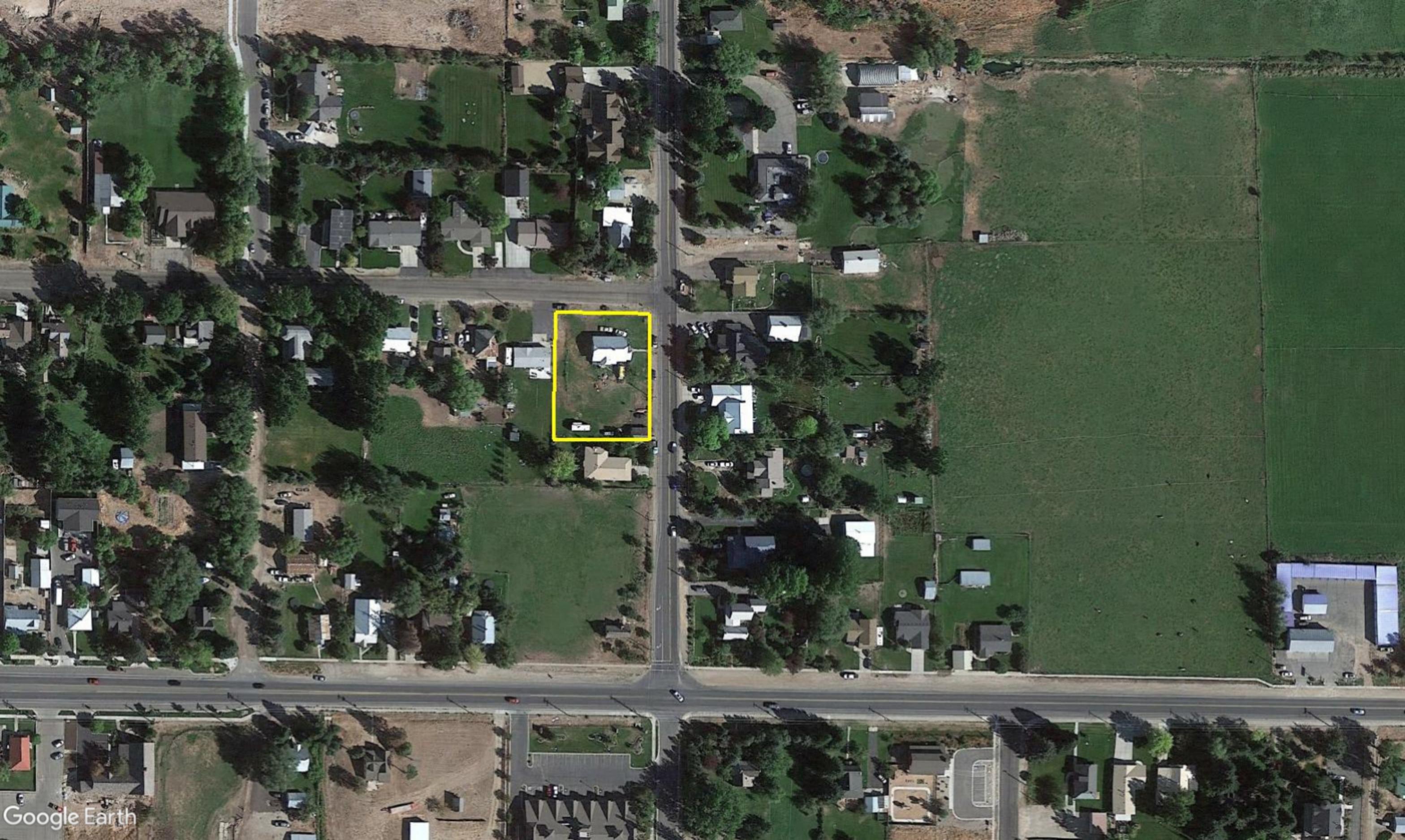
Michael Henke Midway City Planning Director,

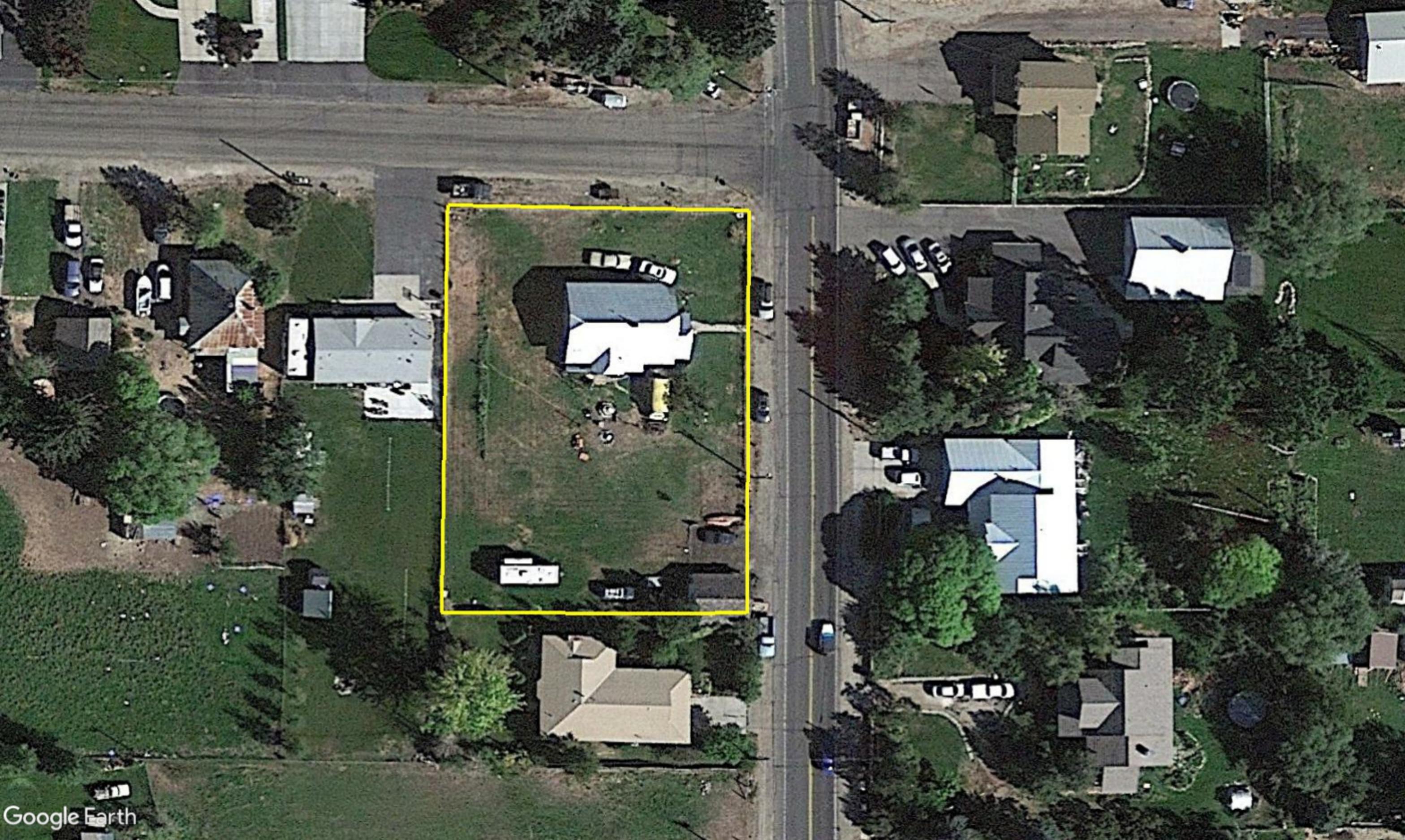
I have reviewed the plans for the Sage Hill Estates subdivision for compliance with the 2021 International Fire Code (2021 IFC). I have no fire code concerns with the plans that have been recommended for approval by the Midway City Planning Commission and the Midway City Council for final approval.



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









SYMBOL LEGEND	
— — — — —	DEED LINE
— — — — —	SURVEY BOUNDARY
-x-x-	FIELD FENCE
△	FOUND REBAR WITH CAP (JACK JOHNSON)
○	SET REBAR WITH CAP (7736336)

SURVEYOR'S CERTIFICATE

I, CHAD A. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 7736336, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE HEREON DESCRIBED PARCEL AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.

CHAD A. ANDERSON - PLS _____ DATE _____

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PROVIDE BOUNDARY INFORMATION TO AID IN THE SALE OF THE PROPERTY. SURVEY WAS PERFORMED IN MARCH 2017, AS SHOWN HEREON. THE DEEDS IN THE AREA DO NOT FIT HISTORICAL LINES OF OCCUPATION. TWO PREVIOUS SURVEYS ON THE BLOCK SHOW THE SAME SITUATION AND RECOMMEND THAT BOUNDARY LINE AGREEMENTS ARE PREPARED AND SIGNED TO CLEAR UP TITLE CONFUSION. THE DEEDS ARE TIED TO A CENTER OF SECTION THAT DOES NOT EXIST. SOME BELIEVE IT TO BE A FENCE POST, BUT THIS TO THAT DO NOT FIT OCCUPATION EITHER. IT APPEARS THAT THE SUBJECT PROPERTY INCLUDES THE RIGHT-OF-WAY TO THE CENTER OF THE STREET. WHEN THE DEED IS MOVED TO MATCH FENCES, THE NORTH AND EAST DEED LINES CLOSELY MATCH CENTERLINE OF RIGHT-OF-WAY. THE BOUNDARY SHOWN IS MY OPINION OF THE INTENT OF THE DEED.

DESCRIPTION

RECORD DESCRIPTION

BEGINNING WEST 330.0 FEET AND SOUTH 363.0 FEET OF THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER SECTION 35, TOWNSHIP 3 SOUTH, OF RANGE 4 EAST, OF THE SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 00°48' WEST 213.5 FEET; THENCE WEST 165 FEET; THENCE NORTH 00°48' EAST 213.5 FEET; THENCE SOUTH 88°10' EAST 165 FEET TO THE POINT OF BEGINNING.

AS SURVEYED DESCRIPTION

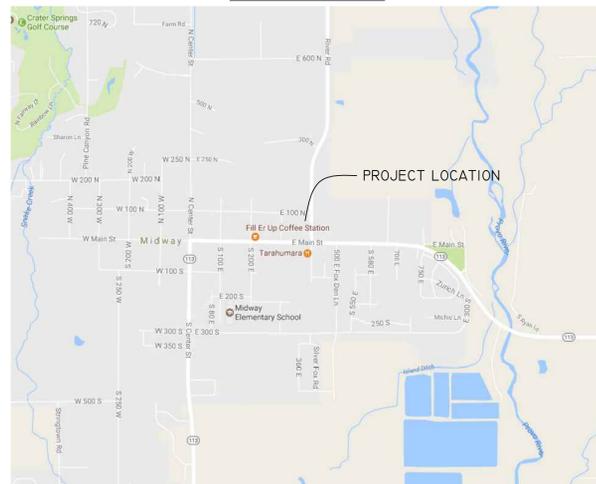
BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RIVER ROAD, SAID POINT BEING 2282.87 FEET N00°37'40"W ALONG THE QUARTER SECTION LINE AND 318.47 FEET WEST FROM THE SOUTH QUARTER CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE S01°00'00"W 179.25 FEET; THENCE N89°00'00"W 133.25 FEET TO A POINT ON A FENCE LINE; THENCE ALONG SAID FENCE LINE N04°00'00"E 179.25 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 100 NORTH; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE S89°00'00"E 133.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.55 ACRE.

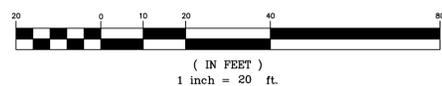
BASIS OF BEARINGS

BASIS OF BEARINGS: 00°37'40"E MEASURED BETWEEN FOUND WASATCH COUNTY MONUMENTS AS SHOWN HEREON.

VICINITY MAP



GRAPHIC SCALE



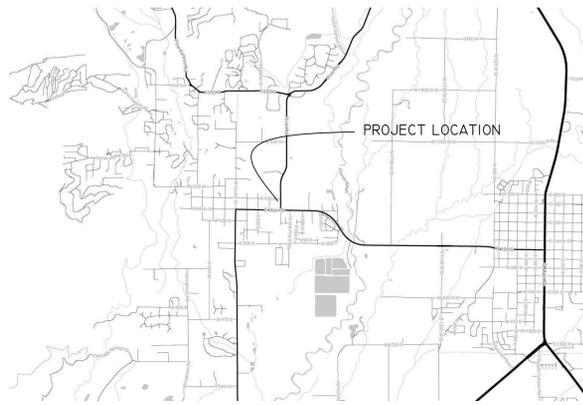
ELEMENT
LAND SURVEYING
WWW.ELEMENTSURVEYING.COM 2296 SOUTH 278 EAST, HEBER CITY, UT 84032
(801) 592-5975

BOUNDARY SURVEY
WASATCH COUNTY
IN THE SW1/4 OF SEC 35, T3S, R4E, SLB&M

PREPARED FOR:
CLYDE McDONALD
PROJECT:
RIVER ROAD BOUNDARY SURVEY

PROJECT NO:
17-04-057
SHEET:
1 OF 1

VICINITY MAP

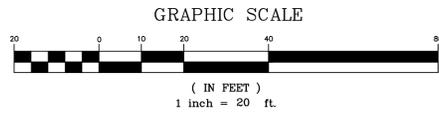


SAGE HILL ESTATES

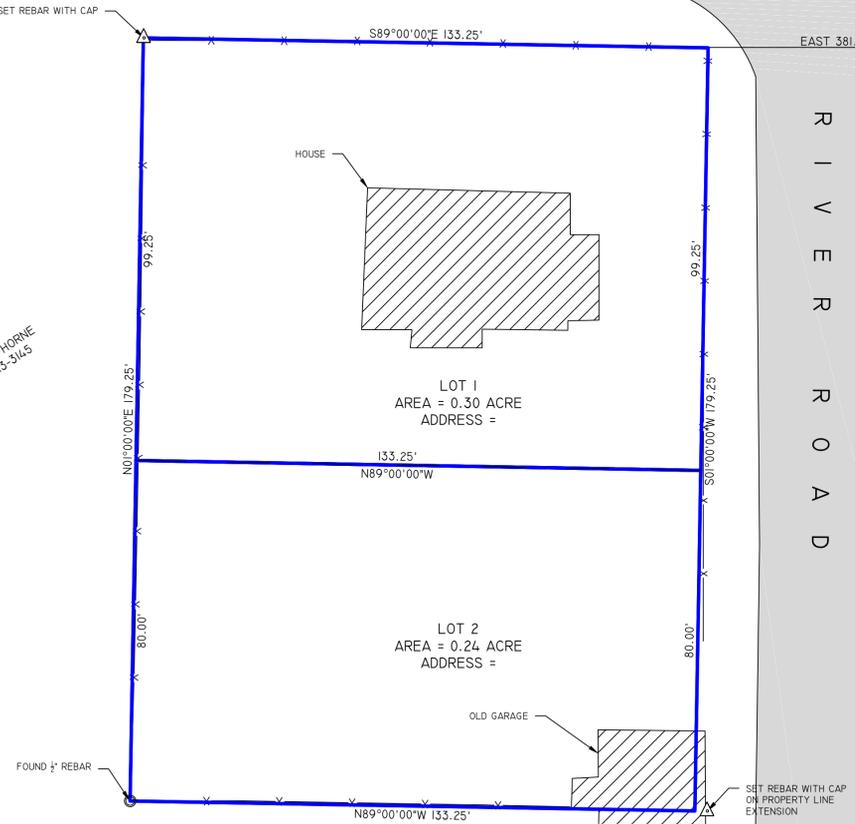
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 35,
TOWNSHIP 3S, RANGE 4E, SLB&M



SYMBOL LEGEND	
	DEED LINE
	SURVEY BOUNDARY
	PUBLIC UTILITY EASEMENT
	SET REBAR WITH CAP (7736336)
	FOUND REBAR



KENNETH HORNE
00-0015-3145



500°37'40"E BASIS OF BEARINGS 5304.58'

2282.87'

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RIVER ROAD, SAID POINT BEING 2282.87 FEET N00°37'40"W ALONG THE QUARTER SECTION LINE AND 318.47 FEET WEST FROM THE SOUTH QUARTER CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE S01°00'00"W 179.25 FEET; THENCE N89°00'00"W 133.25 FEET TO A POINT ON A FENCE LINE; THENCE ALONG SAID FENCE LINE N01°00'00"E 179.25 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 100 NORTH; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE S89°00'00"E 133.25 FEET TO THE POINT OF BEGINNING CONTAINING 0.55 ACRE.

BASIS OF BEARINGS: S00°37'40"E MEASURED BETWEEN FOUND WASATCH COUNTY MONUMENTS AT THE NORTH ONE QUARTER CORNER AND THE SOUTH ONE QUARTER CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9A-603 OF THE UTAH CODE, I, CHAD A. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7736336 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 17-25-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

CHAD ANDERSON
PROFESSIONAL LAND SURVEYOR

DATE _____

7736336
CHAD A. ANDERSON
05/05/21
REGISTERED LAND SURVEYOR
STATE OF UTAH

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT (I/WE) THE UNDERSIGNED OWNER(S) OF THE TRACT(S) OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS TO BE HEREAFTER KNOWN AS SAGE HILL ESTATES, DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20__.

JESSE R. DIYANNI _____ PRINTED NAME _____ DATE _____

DAVID C. KNIGHT _____ PRINTED NAME _____ DATE _____

ACKNOWLEDGEMENT

STATE OF _____ } S.S.
COUNTY OF _____ }

ON THIS _____ DAY OF _____, 20__, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____, IN SAID STATE OF _____, THE SIGNER OF THE ABOVE OWNER'S DEDICATION, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.

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

MIDWAY IRRIGATION COMPANY

SIGNATURE _____ DATE _____

MIDWAY SANITATION DISTRICT

SIGNATURE _____ DATE _____

PLANNING COMMISSION APPROVAL

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

APPROVED _____ PLANNING DIRECTOR APPROVED _____ CHAIRMAN, PLANNING COMMISSION

COUNTY SURVEYOR

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

ROS # _____ COUNTY SURVEYOR _____

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

COUNTY RECORDER

ELEMENT
 LAND SURVEYING
 WWW.ELEMENTSURVEYING.COM 296 SOUTH 270 EAST, HEBER CITY, UT 84032
 801-592-5975 & 801-657-8748

MIDWAY CITY
 WASATCH COUNTY
 LOCATED IN THE SOUTHEAST 1/4
 OF SECTION 35, TOWNSHIP 3S,
 RANGE 4E, SLB&M

SAGE HILL
 ESTATES
 2 LOT SUBDIVISION IN MIDWAY UTAH

PROJECT NO. 21-04-130
SHEET 1 OF 1