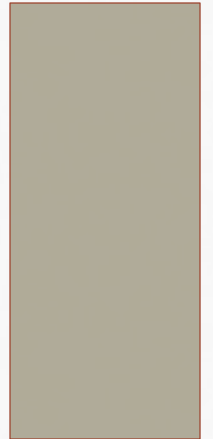


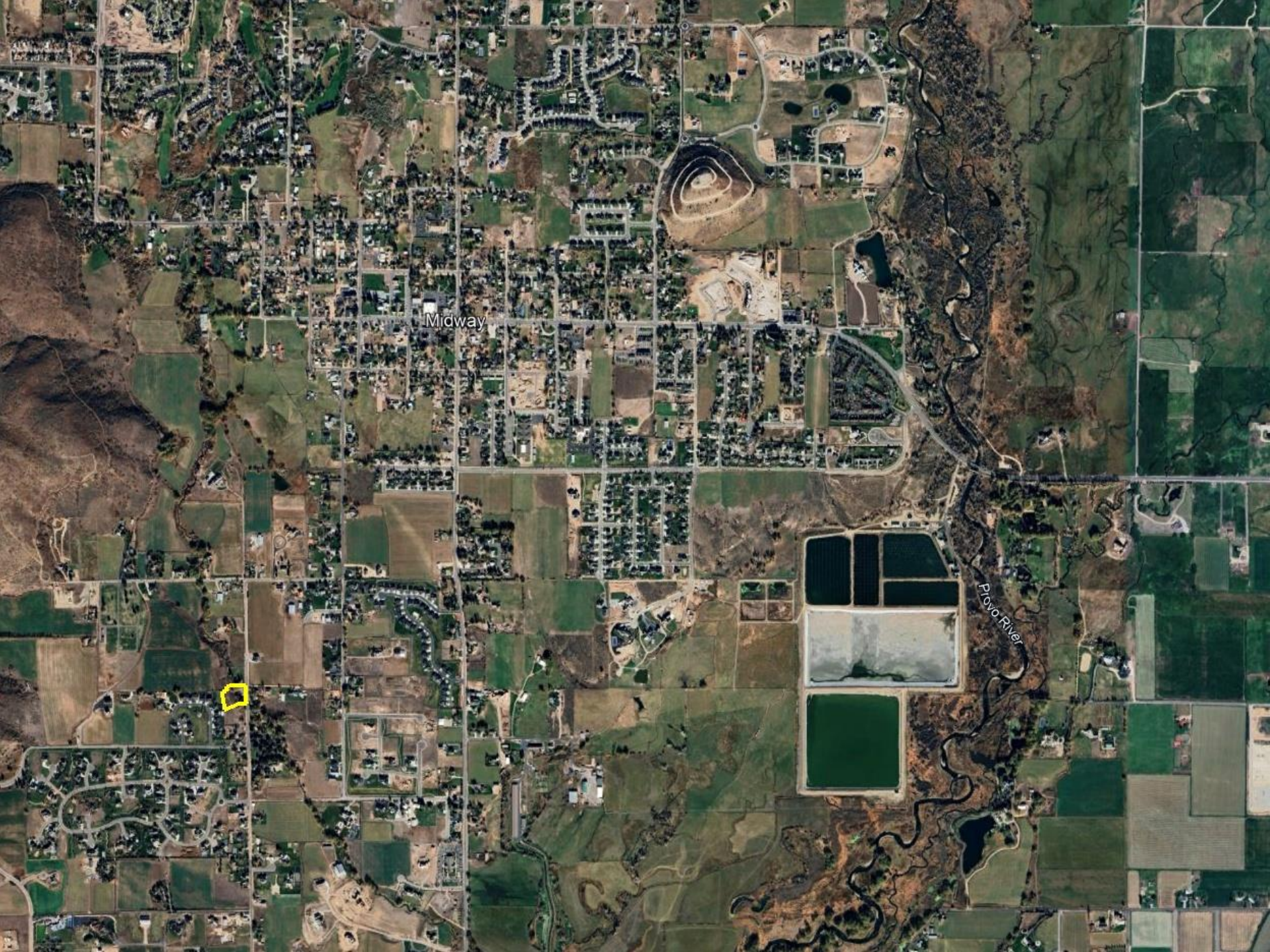
COZENS SUBDIVISION SECOND PLAT AMENDMENT

PLAT AMENDMENT



BACKGROUND

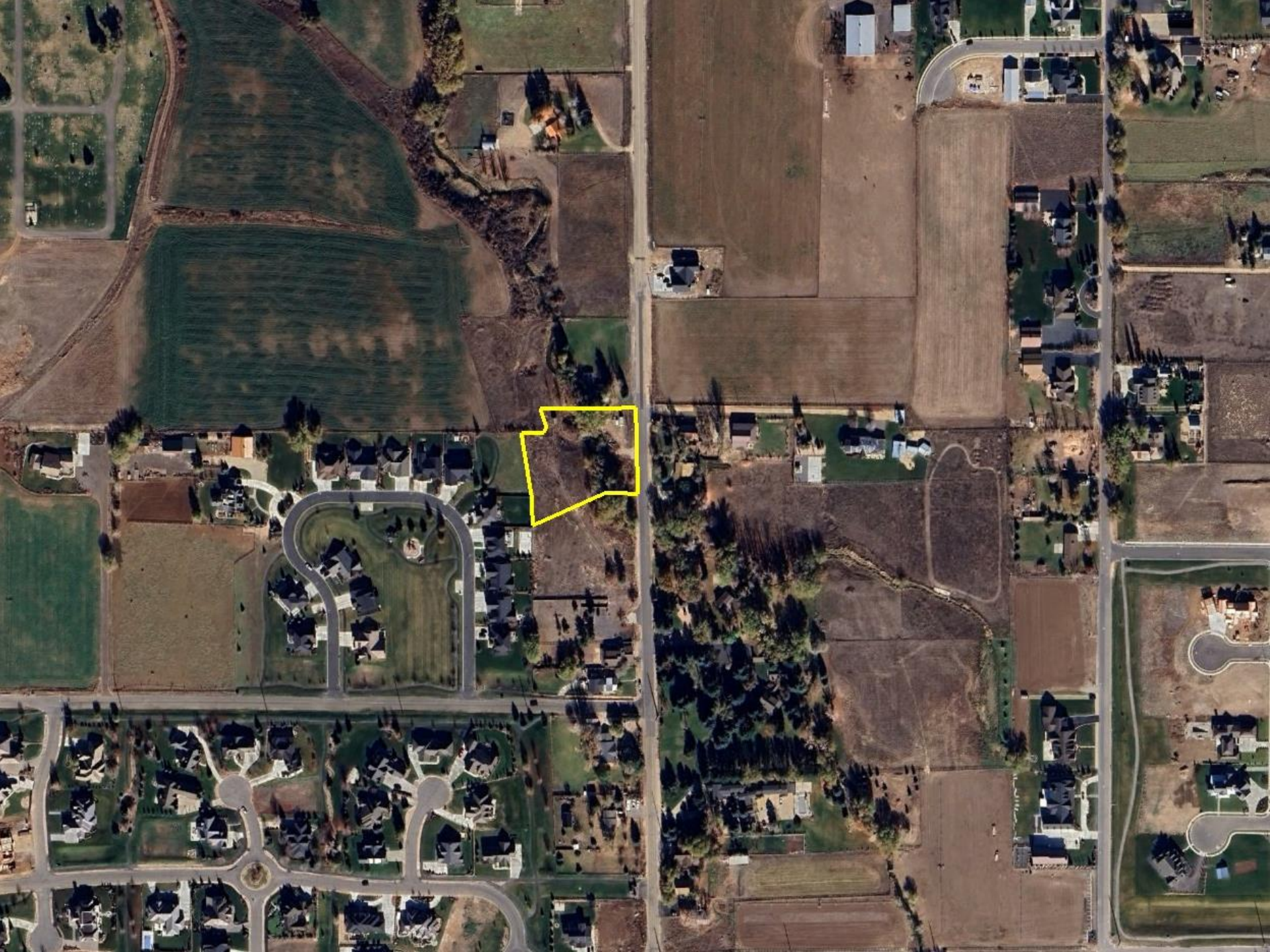
- Code
 - Small-Scale Subdivision. Lots may be approved within delineated boundaries of FIRM and MCFOM but the lowest floor of any residential construction, including basements, shall be elevated 18 inches above the base flood elevation as shown on the FIRM. The elevation must be certified by a licensed engineer or licensed surveyor and marked on site before the building inspector allows construction to commence. **Substantial efforts must be made to create building envelopes that are 50 feet from any delineated flood zones, though the lots themselves may encroach in the flood area.**



Midway

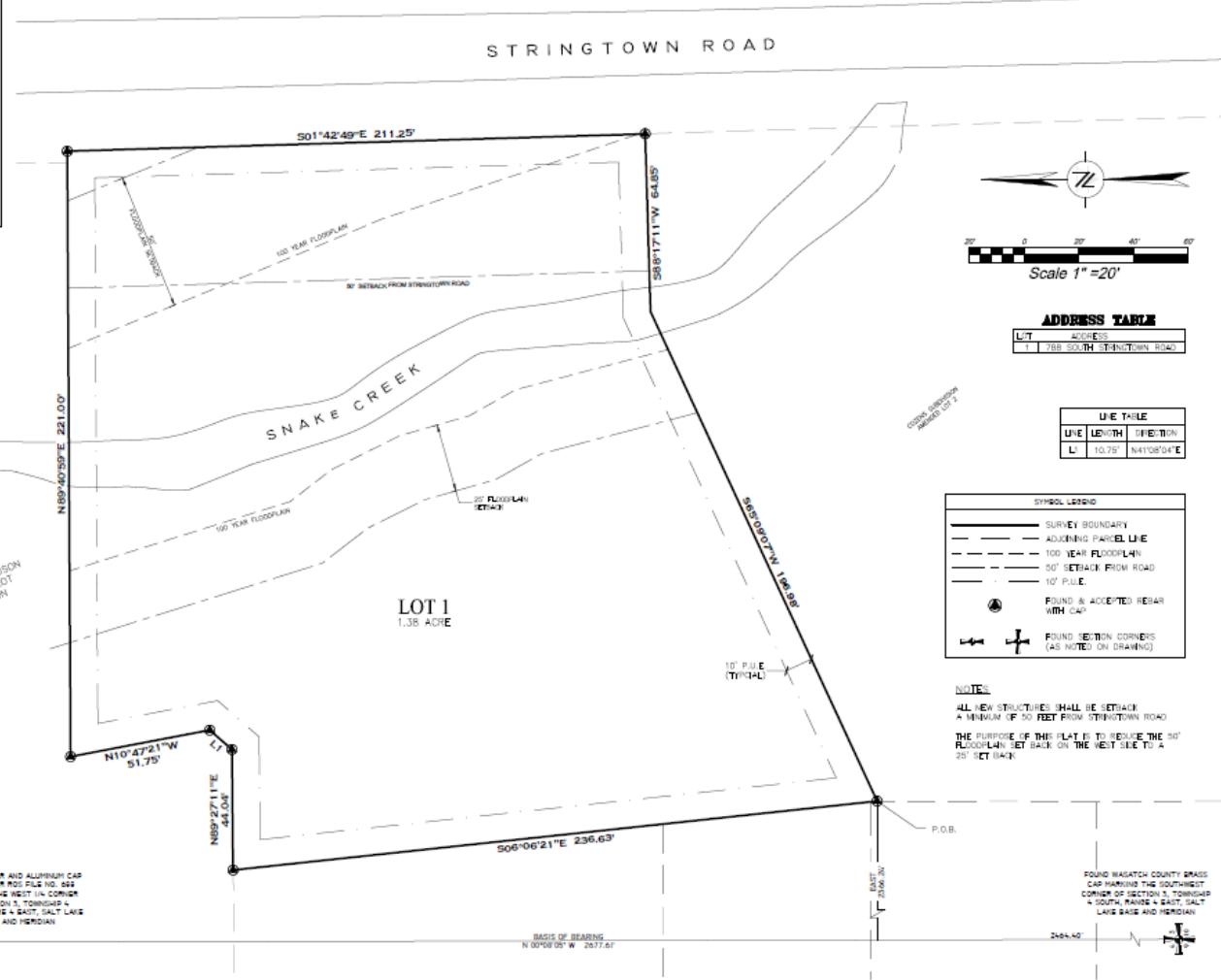
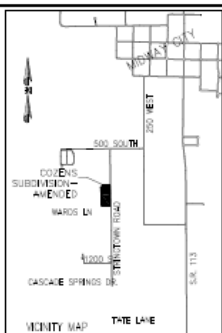
Poyo River







COZENS SUBDIVISION AMENDED LOT 1 LOT - 22 APRIL 2023



SURVEYOR
TROY L. TAYLOR, P.L.S.
DISTRICT LAND SURVEYING
P.O. BOX 990
MIDWAY CITY, UTAH 84032
PHONE (800) 654-8749

DATE OF SURVEY: APRIL 2019

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-84-803 OF THE UTAH CODE, I TROY L. TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 8894112 IN ACCORDANCE WITH TITLE 36, CHAPTER 25, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS UTAH CODE ACT.

I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 10-22-17 OF THE UTAH CODE AND HAVE REVEALED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS INDICATED ON THE PLAT.

DATE: _____ SURVEYED: _____

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 00°00'00" WEST FROM THE FOUND WASATCH COUNTY MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION 3 TO THE FOUND REBAR WITH ALUMINUM CAP SET AS PER ROD NO. 888 MARKING THE WEST 1/4 CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

BOUNDARY DESCRIPTION

BEGINNING AT A THE SOUTHWEST CORNER OF LOT 1 OF THE COZENS SUBDIVISION AMENDED, SAY POINT BEING LOCATED NORTH 00°00'00" WEST ALONG THE SECTION 3-888-888 FEET AND EAST 2380.14 FEET FROM THE WASATCH COUNTY MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 00°00'00" WEST 2380.63 FEET; THENCE NORTH 89°27'11" EAST 44.04 FEET; THENCE NORTH 41°08'04" EAST 10.75 FEET; THENCE NORTH 10°47'21" WEST 51.75 FEET; THENCE NORTH 89°27'11" EAST 10.75 FEET; THENCE SOUTH 01°42'49" EAST 211.25 FEET; THENCE SOUTH 89°27'11" WEST 64.85 FEET; THENCE SOUTH 65°09'00" WEST 198.98 FEET TO THE POINT OF BEGINNING.

AREA = 1.38 ACRES

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREIN, HAVE CALLED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, EASEMENTS, AND HEREBY RELATE THE SAME AS LOTS, PUBLIC STREETS, EASEMENTS, AND HEREBY RELATE FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EASEMENTS HEREBY DEDICATE.

DATED THIS _____ DAY OF _____ A.D. 20____

BY _____

STRINGTOWN PROPERTIES LLC

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 DO 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 THE SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREIN SHOWN.

THIS _____ DAY OF _____ A.D. 20____

APPROVED: _____ MAYOR _____ ATTEST: _____ CLERK-RECORDER (SEAL HERE)

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

PLANNING COMMISSION APPROVAL

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

DIRECTOR - PLANNING _____ CHAIRMAN, PLANNING COMMISSION

COZENS SUBDIVISION LOT 1 AMENDED

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH
NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 3,
TOWNSHIP 4 SOUTH, RANGE 4 EAST, SLSM

SCALE: 1" = 20 FEET

COUNTY SURVEYOR'S CERTIFICATE

APPROVED AS TO FORM ON THIS

DAY OF _____, 20____

ROS# _____

COUNTY SURVEYOR

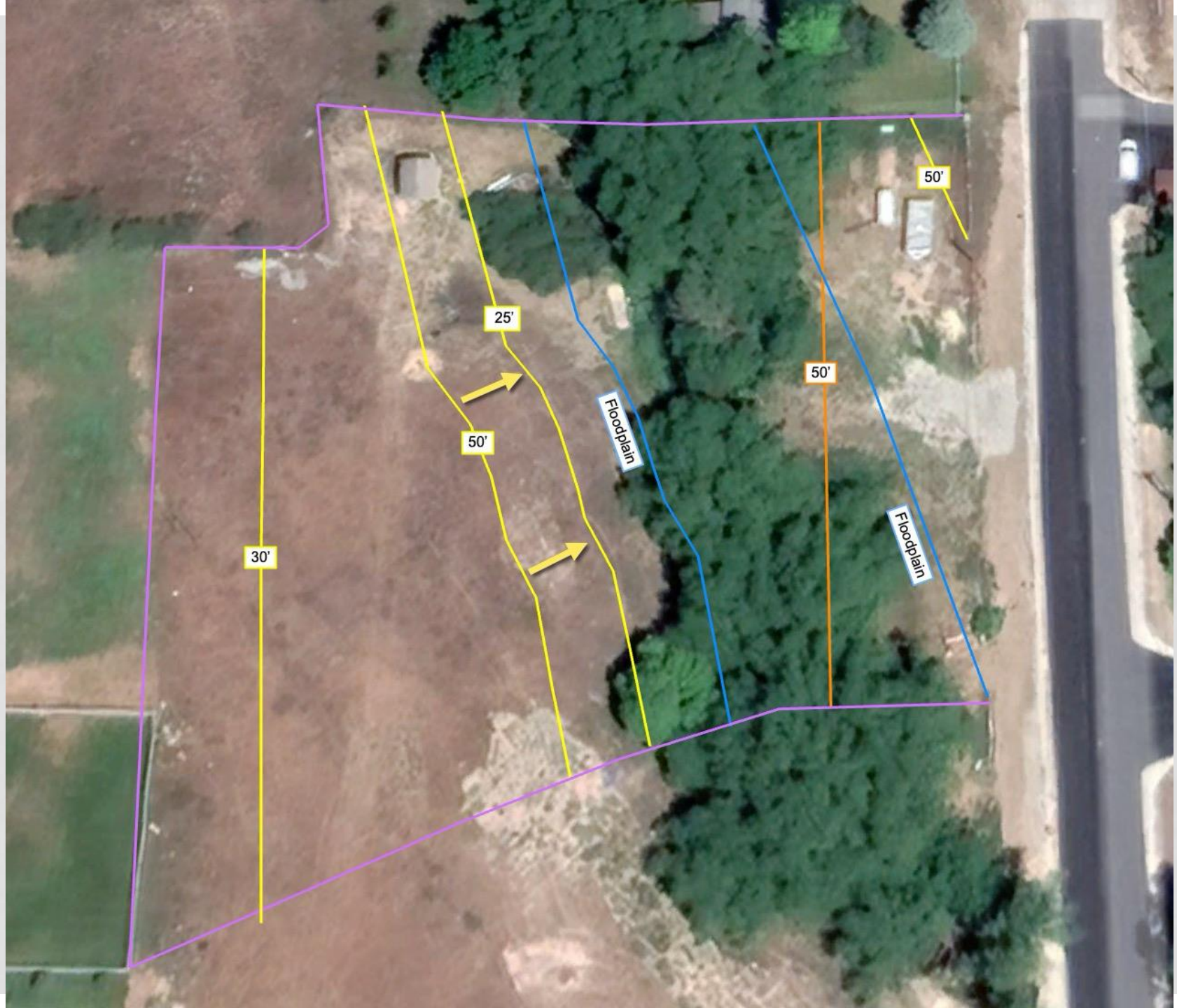
COUNTY RECORDER

DATE _____

MIDWAY INDIATION COMPANY

DATE _____

MIDWAY SAVATION GROUP



DISCUSSION ITEMS

- Code
 - Small-Scale Subdivision. Lots may be approved within delineated boundaries of FIRM and MCFOM but the lowest floor of any residential construction, including basements, shall be elevated 18 inches above the base flood elevation as shown on the FIRM. The elevation must be certified by a licensed engineer or licensed surveyor and marked on site before the building inspector allows construction to commence. **Substantial efforts must be made to create building envelopes that are 50 feet from any delineated flood zones, though the lots themselves may encroach in the flood area.**

DISCUSSION ITEMS

- Small-scale subdivisions have some flexibility regarding the floodplain setback
- Flexibility was included in the code because of potential regulatory taking
- Utah Property Rights Ombudsman has made an opinion that the 50' setback is not enforceable
- This type of a plat amendment is a legislative action

POSSIBLE FINDINGS

- The plat has a 50' setback from the delineated floodplain.
- A 50' setback from floodplain is a guideline but not a requirement in small-scale subdivisions.
- The applicant is proposing to reduce the 50' setback to 25' but not remove it completely.
- The 50' setback is a Midway ordinance and not required by FEMA.
- Federal standards would allow construction up to the edge of the delineated floodplain.
- The City can approve a lesser setback than 50' in a small-scale subdivision because of the usually limited area of this type of subdivision.
- A compromise of 25' would preserve openness along the stream corridor but would also allow the applicant more flexibility when designing his home and any other structure on the property.

PROPOSED CONDITIONS

- None

Jennifer Mangum-Whaley & Jason Whaley

[REDACTED]
Midway, UT 84049
[REDACTED]

May 9, 2025

Midway City Council
75 North 100 West
Midway, UT 84049

RE: Opposition to Amendment to Cozens Subdivision Lot 1 – Removal of 50' Setback from FEMA Floodplain

Dear Mayor and City Council Members,

We are writing as residents and homeowners whose property directly backs up to the proposed amendment area for Lot 1 of the Cozens Subdivision. We are strongly opposed to the request to remove the required 50-foot setback from the FEMA-designated floodplain.

Although the applicant cites that Midway City Code may not *explicitly* mandate that small-scale subdivisions maintain the 50-foot setback, the spirit and purpose of such setbacks are clear: to protect public safety, property, and the environmental integrity of our community. Allowing development closer to the floodplain increases risks to adjacent properties, including ours, and sets a concerning precedent for future developments across Midway.

The 50-foot buffer provides critical protections by:

- Reducing the risk of flood damage to structures and neighboring properties.
- Preserving natural floodplain functions and minimizing disruption to natural drainage patterns.
- Maintaining the character and rural aesthetic valued by Midway residents.
- Ensuring long-term community resilience in the face of increasing weather variability.

Removing this requirement would expose nearby homeowners to greater risk, impact property values, and potentially lead to expensive mitigation costs for the city and affected residents in the future.

We respectfully urge the City Council to prioritize the safety and well-being of current residents by maintaining the 50-foot setback requirement for Lot 1 of the Cozens Subdivision. Upholding

strong floodplain protections is consistent with Midway's commitment to responsible, sustainable development and preservation of our community's unique character.

Thank you for considering our concerns.

Sincerely,

Jennifer & Jason Whaley