

Midway City Council
1 June 2021
Regular Meeting

Jomar Subdivision /
Preliminary and Final Approval



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: June 1, 2021

NAME OF PROJECT: JOMAR Small Subdivision

NAME OF APPLICANT: Berg Engineering representing Joseph Probst

AGENDA ITEM: Preliminary/Final Approval

LOCATION OF ITEM: 320 West 500 South

ZONING DESIGNATION: RA-1-43

ITEM: 13

Berg Engineering, agent for Joseph Probst, is requesting preliminary/final approval of a one lot subdivision to be known as JOMAR subdivision. The lot is one (1) acre and is located at 320 West 500 South and is in the RA-1-43 zone.

BACKGROUND:

This request is for preliminary/final approval of a small-scale subdivision on 1.0 acre that will contain one lot. The proposed lot will obtain frontage along 500 South. The property is in the RA-1-43 zoning district and the lot appears to comply with the minimum requirements of frontage, width, and acreage for a lot in this zone.

The proposed lot is currently part of a larger seven-acre parcel. An application has been submitted to the City requesting a single rural preservation subdivision lot on six of the seven acres resulting in this one-acre remnant parcel. This remnant parcel would be considered a non-conforming parcel with no building rights. Planning staff notified the applicant that the one-acre remnant parcel needed to be tied to a legal building lot or go

through a one lot subdivision process in order for the rural preservation proposal to continue forward for approval. This one lot subdivision proposal is a result of that. This one lot proposal and the rural preservation proposal should proceed through the approval process together to ensure that non-conforming remnant pieces are not created.

There are no dwellings on the property, but there are two smaller agricultural structures.

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

LAND USE SUMMARY:

- 1.0-acre parcel
- RA-1-43 zoning
- Proposal contains one lot
- Frontage on 500 South
- Sensitive lands – None identified
- The lot will connect to the Midway Sanitation District sewer (via a privately owned and maintained sewer lateral), Midway City's culinary water line, and Midway Irrigation Company's secondary water line

ANALYSIS:

Culinary Water Connection – The lot will connect to the City's water line located in 500 South.

Sewer Connections – The proposed lot is too small for a septic system and is required to connect to Midway Sanitation District's sewer system. The developer would install a privately owned and maintained pressurized sewer lateral that would connect into the Midway Sanitation District sewer main in Street Lane. When a traditional gravity main is installed within 300' of the parcel boundary, the property owner will be required to abandon the privately owned sewer lateral and connect to the gravity sewer main. This requirement will need to be noted on the plat as well as recorded against the property so that future property owners are aware of the requirement. Privately owned sewer laterals are typically not identified when property is blue staked and should therefore be installed as far from the road asphalt as possible to help minimize disturbance from other construction activities. Similar to the installation of other utilities, the applicant will be required to either install the private

lateral up to the grinder pump on the property or bond for the improvements previous to plat recording.

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 been provided a will serve letter from Midway Irrigation Company.

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

Setbacks – The small-scale subdivision code requires a 50' front setback for any proposed structures fronting 500 South. The required setback will be noted on the plat.

500 South – The applicant will need to show any required dedication needed for 500 South on the proposed plat. 500 South is considered a local collector with a 60' ROW.

Bike Lane – The Midway City Trail System Master Plan shows an attached asphalt bike trail along 500 South. 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 500 South where the bike lanes are planned. The applicant has recommended that they contribute \$4,550 to the general trail fund.

Existing Accessory Structure – There are two existing agricultural accessory structures on the property. The land use code requires barns, corrals pens and coops to be located more than 100' from any dwelling on an adjacent structure. It also requires structures used for housing animals or fowl or storage farm products to be located 50' from side and rear property lines. These structures do not appear to meet these requirements, but because they are existing and the property line in question already exists, they are considered non-conforming and cannot be enlarged. Any new structures will need to comply with setbacks listed in the land use code.

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 lot has frontage and direct access to 500 South.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Simons: I make a motion that we recommend approval preliminary/final of a one lot subdivision to be known as JOMAR subdivision. The lot is one (1) acre and is located at 320 West 500 South and is in the RA-1-43 zone. We accept the findings listed in the staff report and the three (3) conditions listed in the staff report

along with adding two (2) conditions that there is no time limit to connect to the sewer and record a document that describes the existing sewer system.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

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

Nays: None

Motion: Passed

WATER BOARD RECOMMENDATION:

1 acre parcel (43,560 sq. ft.)

- Impervious area for lots
 - 0.18 acres (8,000 sq. ft.)

Irrigated acreage

- 0.82 acres x 3 = 2.46 acre feet

1 culinary connection

- 0.8 acre feet

Total Water Requirement - 3.26 acre feet

POSSIBLE FINDINGS:

- The proposed lots do meet the minimum requirements for the RA-1-43 zoning district
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district
- The subdivision will contribute to the master trails plan by adding funds the general trails fund that will be used to help accomplish the master trails plan
- The applicant will be required to install or bond for all unfinished improvements previous to the plat being recorded
- 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

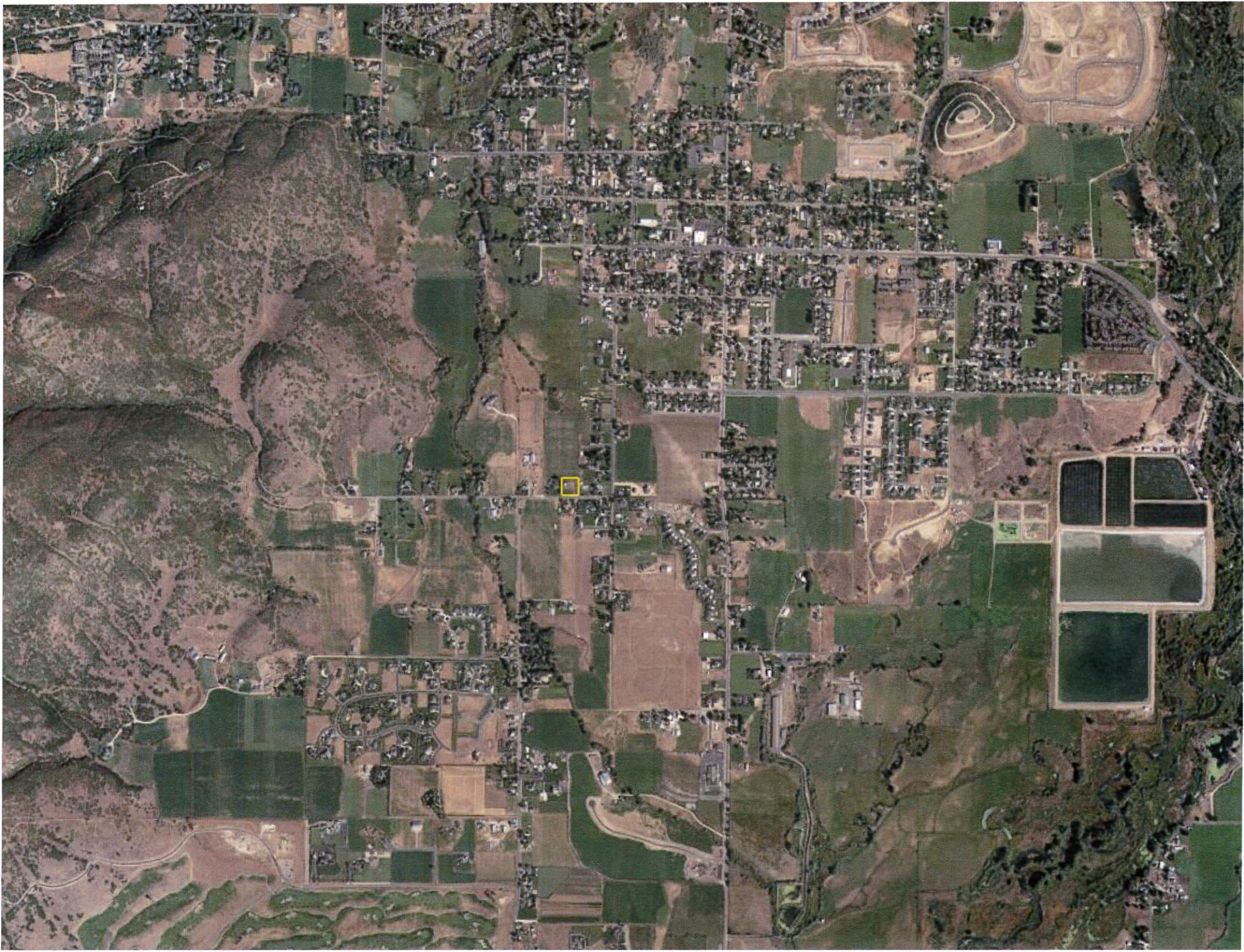
without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

ALTERNATIVE ACTIONS:

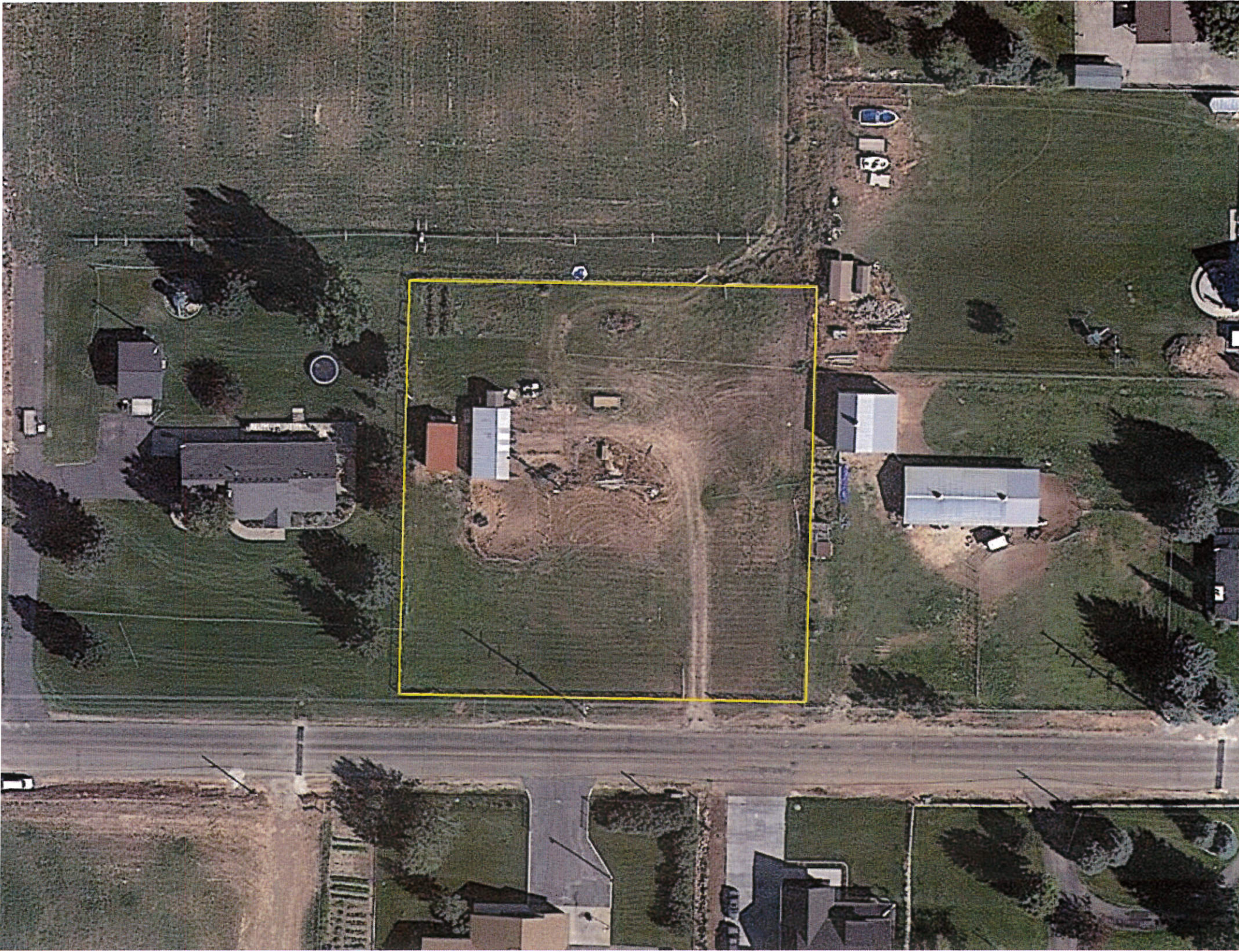
1. Approval (conditional). This action can be taken if the City Council finds the proposal complies with the requirements of the Land Use Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s) if needed
2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
 - 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 comply with the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

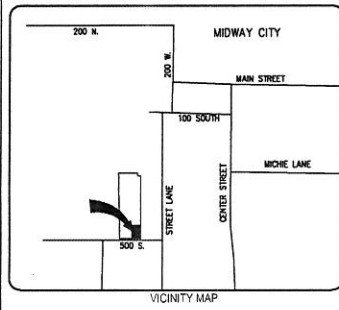
PROPOSED CONDITIONS:

1. Prior to the recording of the plat, the applicant will add \$4,550 to the general trails fund so that the bike lane can be completed in the future as part of a larger improvement project that will complete the bike lanes along the entirety of 500 South where bike lanes are planned.
2. The applicant must record a document notifying future property owners that when a traditional gravity flow sewer main is within 300' of the parcel boundary, they will be required to connect and abandon the pressurized sewer lateral. This requirement should also be noted on the plat.



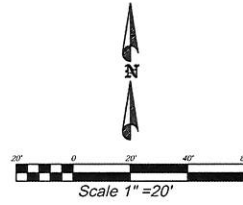






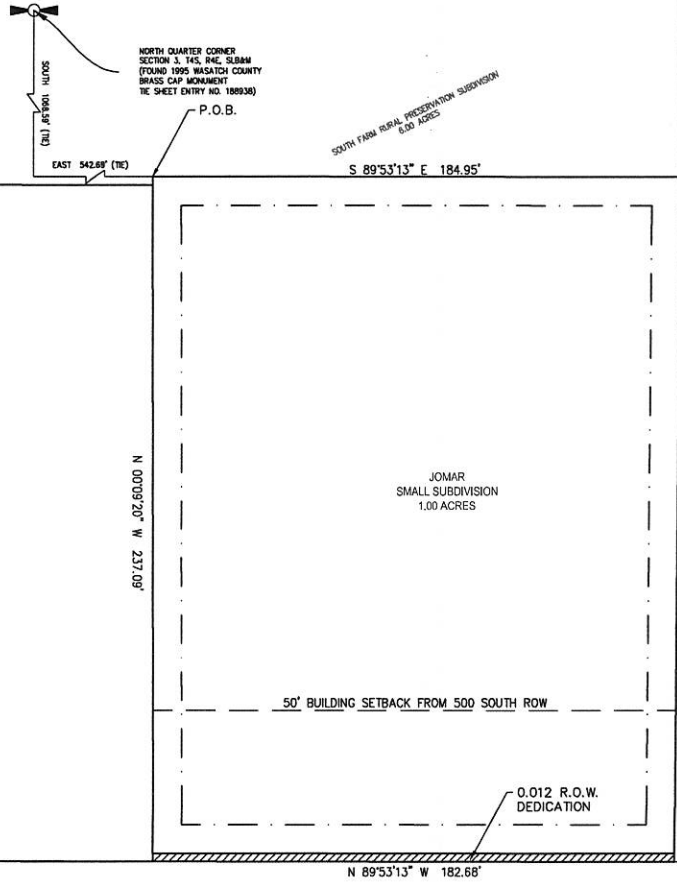
JOMAR SMALL SUBDIVISION

LOCATED IN THE NE QUARTER OF SECTION 3 TOWNSHIP 4 SOUTH,
RANGE 4 EAST, SALT LAKE BASE & MERIDIAN



ADDRESS TABLE	
LOT	ADDRESS
1	XXX 500 SOUTH ROAD

10' PUBLIC UTILITY EASEMENT
RIGHT-OF-WAY DEDICATION
0.012 ACRES



BASIS OF BEARING
THE BASIS OF BEARING IS NORTH 89°54'27" EAST 5316.30 FEET BETWEEN COUNTY MONUMENTS REFLECTING THE NORTH 1/4 CORNER OF SECTION 3 AND THE NORTH 1/4 CORNER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN IN CONFORMANCE WITH UTAH COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

COUNTY RECORDER

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

DATE: _____
MIDWAY IRRIGATION COMPANY

DATE: _____
MIDWAY SANITATION DISTRICT

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-8A-803 OF THE UTAH CODE, I, KEVIN M. BALLS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 11207308 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 BEHIND)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT SOUTH 1085.32 FEET AND EAST 542.91 FEET FROM THE 1985 WASATCH COUNTY BRASS MONUMENT FOR THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (BASIS OF BEARINGS BEING NORTH 89°54'27" EAST 5316.30 FEET BETWEEN SAID NORTH QUARTER CORNER OF SECTION 3, AND THE WASATCH COUNTY BRASS MONUMENT FOR THE NORTH QUARTER CORNER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN);

THENCE SOUTH 89°53'13" EAST 184.95 FEET; THENCE SOUTH 00°23'38" EAST 237.09 FEET; THENCE NORTH 89°53'13" WEST 182.68 FEET; THENCE SOUTH 100°09'20" WEST 237.09 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1.00 ACRES

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, OWNER(S), JOSEPH T. PROBST AND MARSHA L. PROBST, OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO A LOT AND EASEMENTS, AND HEREBY DEDICATE THOSE AREAS LABELED AS EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES.

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

JOSEPH T. PROBST MARSHA L. PROBST

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

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 BEHIND)

APPROVED _____ CITY ENGINEER APPROVED _____ CITY ATTORNEY (SEE SEAL BEHIND)

PLANNING COMMISSION APPROVAL

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

PLANNING DIRECTOR _____ CHAIRMAN, PLANNING COMMISSION

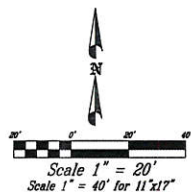
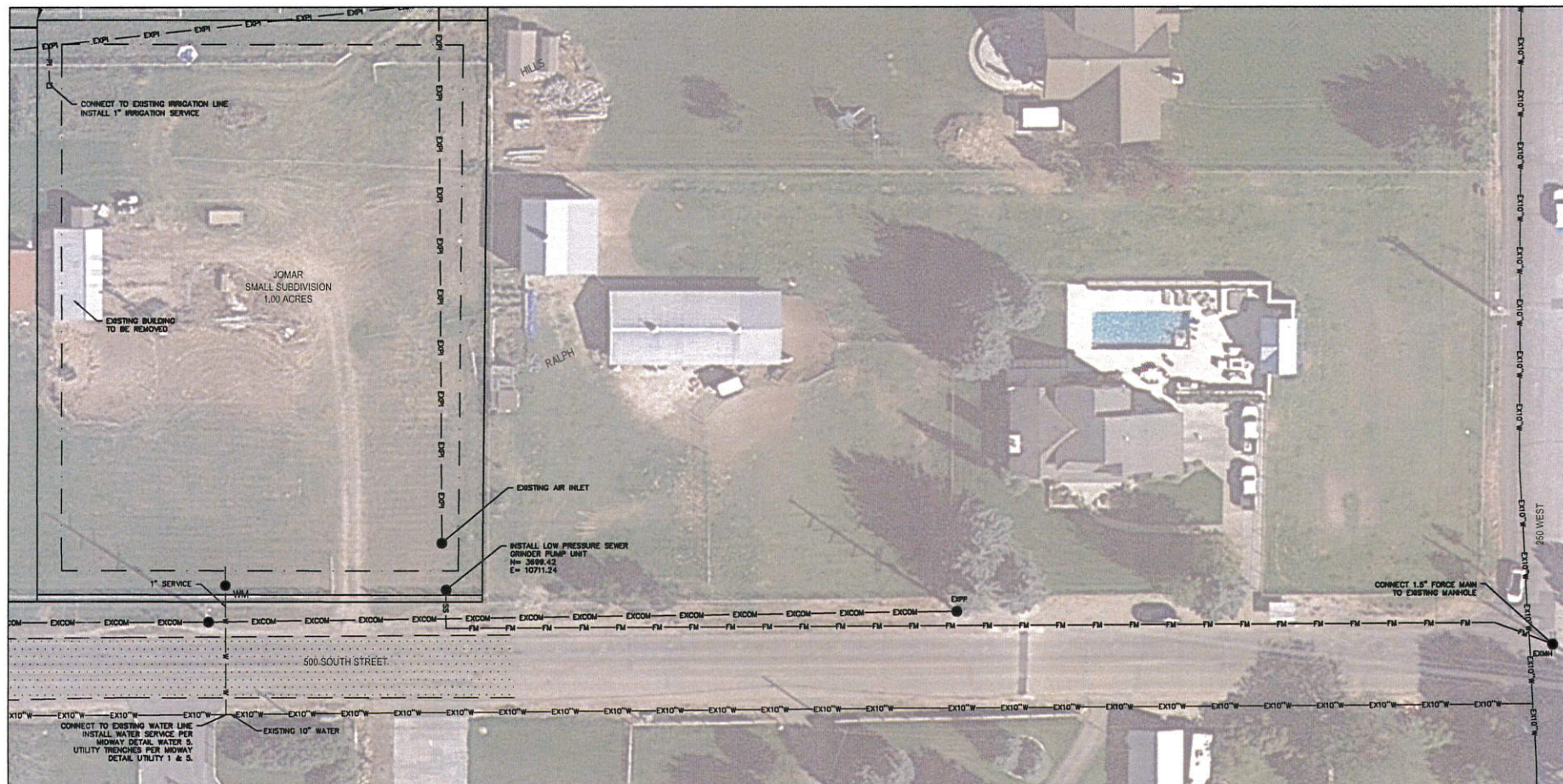
JOMAR SMALL SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH

SCALE: 1" = 20 FEET

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

SURVEYOR
BENNETT ENGINEERING GROUP INC.
35 WEST CENTER
PO BOX 170
HEBER CITY, UT 84032
PHONE (435) 654-9229
DATE OF SURVEY: MARCH, 2021



SENSITIVE LANDS:
NO SENSITIVE LANDS PER MIDWAY CITY CODE HAVE
BE IDENTIFIED ON THIS PROPERTY.

LEGEND:
 — FM — 1.5" SEWER FORCE MAIN FROM GRINDER PUMP
 — EX — EXISTING PHONE LINE
 — EX10" — EXISTING 10" WATER
 — W — PROPOSED WATER
 — EX — EXISTING PRESSURIZED IRRIGATION


BLUE STAKE NOTE:
 1. LOCATION OF EXISTING UTILITIES SHOWN ON
 PLAN ARE APPROXIMATE AND MAY BE
 INCOMPLETE. CONTRACTOR IS RESPONSIBLE
 FOR BLUE STAKING OF UTILITIES.

SEWER NOTES:
 1. ALL SEWER IMPROVEMENTS SHALL MEET MIDWAY
 SANITATION DISTRICT STANDARDS AND
 SPECIFICATIONS

WATER NOTES:
 1. ALL WATER IMPROVEMENTS SHALL MEET MIDWAY
 CITY STANDARDS AND SPECIFICATIONS AS
 ADOPTED IN 2020 EDITION.

PRESSURIZED IRRIGATION NOTES:
 1. ALL PRESSURIZED IRRIGATION IMPROVEMENTS
 SHALL MEET MIDWAY IRRIGATION COMPANY
 STANDARDS AND SPECIFICATIONS.

THIS DOCUMENT IS RELEASED
 FOR REVIEW ONLY. IT IS NOT
 INTENDED FOR CONSTRUCTION
 UNLESS SIGNED AND SEALED.
 PAUL S. BESS P.E.
 SERIAL NO. 22555
 DATE 28 APR 2021

R/E PROBST PROBST SUBDIVISION	
UTILITY PLAN	
 BERG ENGINEERING RESOURCE GROUP, P.C. 380 F. Main St. Suite 204, Midway, UT 84049 ph: (435) 657-9149	
DESIGN BY: PDB DRAWN BY: DAW	DATE: 29 APR 2021 REV: SHEET 2

May 11, 2021

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

Subject: Jomar Small Subdivision - 1 lot Subdivision – Preliminary / Final Approval

Dear Michael:

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

General Comments

- The proposed plan is a one lot subdivision. The plan proposes one – one acre lot and is located at 320 West 500 South.

Water

- The proposed development will be served from the Gerber Mahogany pressure zone.

Roads

- Because the lot fronts the existing 500 South road, no road improvements will be required for the proposed one lot subdivision.

Storm Drain

- With no curb & gutter along 500 South, the existing shoulder will contain the roadway drainage.

Trails

- No trails are shown to be constructed within the development. The development should participate in the cost to install a bike lane across their frontage and the funds shall be placed in the Midway City General Trial Fund.

Irrigation

- The proposed subdivision will need to provide an irrigation service to the lot.

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

Exhibits

Exhibit 1 – Midway Irrigation Company Will Serve

Exhibit 1

Midway Irrigation Company Will Serve Letter.
May 26, 2021

Project Name: JOMAR Subdivision

Address: 500 South, Midway, Utah.

Name of Developer: Joe Probst

Parcel Size: 1.00 Acres

Present Land Use:

Amount of Irrigated Land: 1.00 Acres

Amount of Non-Irrigated Land: 0.0 Acre

Scope of the proposed project:

Number of ERUs: 1

Amount of Irrigated Land: 0.82 Acres

Amount of Non-Irrigated Land:

Home sites, Roads & Trails– 0.18 Acres

Historic Non-Irrigated- 0.0 Acres

Water Requirement:

Culinary Quality Number of Acre Feet: 0.8 Acre Feet

Irrigation Quality Number of Acre Feet: 2.46 Acre Feet

Water Rights Available to the project: 1.00 Shares of Midway
Company Stock

Project Water Allocation:

Culinary Water Provider: Midway City

Water Rights Required: 0.8 ac. ft.

Infrastructure Requirements:

Secondary Water Provider: Midway Irrigation Company.

Water Rights required: 2.46 acre-feet

Project Approval Required Conditions:

1. Transfer 0.8 acre-feet of Midway Irrigation Water Right to Midway City for culinary water requirements.
2. Transfer 2.46 acre-feet of Midway Irrigation Water Right to Midway City for secondary irrigation water requirements.
3. Developers will be required to connect to Midway Irrigation Company Main Line under the condition that it is completed under the direction of the Company's Manager and in accordance with the company's construction guide line and policies.
4. Developers must install secondary water meters on each lot. The installation must be in accordance with the company's construction guide line and policies.
5. The final plat will not be approved or signed until all conditions are met.

Steve Farrell, President
Midway Irrigation Company