



**PLANNING COMMISSION MEETING STAFF REPORT**

**DATE OF MEETING:** October 13, 2020  
**NAME OF PROJECT:** Howland Subdivision  
**NAME OF APPLICANT:** Howland Partners  
**OWNER:** Pointe 11 LLC  
**CIVIL ENGINEER:** Berg Engineering  
**AGENDA ITEM:** Preliminary/Final Approval  
**LOCATION OF ITEM:** 600 West 200 North  
**ZONING DESIGNATION:** R-1-15

**ITEM: 4**

Howland Partners, agent for Pointe 11 LLC, is requesting preliminary/final approval a one lot subdivision 2.49 acres to be known as Howland Subdivision. The property is located at 600 West and 200 North and is in the R-1-15 zone.

**BACKGROUND:**

This request is for preliminary/final approval of a small-scale subdivision on 2.49 acres that will contain one lot. The lot proposed in the subdivision will obtain frontage along 200 North (State Route 222). The property is in the R-1-15 zoning district and the lot

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

A portion of the property has been agricultural production while the remainder of the property is covered mostly by sensitive lands. The sensitive lands on the property include wetlands, floodplain, slopes greater than 25%, and the Snake Creek stream corridor. A portion of the property also includes a Midway Irrigation Company easement that contains a water storage and debris removal machinery.

It is unknown if the property is a lot of record or not. Staff discussed the requirements with a representative of the property owner and the applicant decided to apply for a single lot subdivision. The applicant also owns other contiguous and nearby parcels that combined are about 18 acres.

#### **LAND USE SUMMARY:**

- 2.31-acre parcel
- R-1-15 zoning
- Proposal contains one lot
- Frontage on 200 North (State Route 222)
- Public trail corridor
- Sensitive land includes wetlands, floodplain, slopes greater than 25%, and the Snake Creek stream corridor
- The lot will connect to the Midway City's culinary water line, Midway Sanitation District's sewer line, and Midway Irrigation Company's secondary water line

#### **ANALYSIS:**

*Water Connection* – The future dwelling will be connected to the City's water line located along River Road.

*Sewer Connection* – The future dwelling will connect to Midway Sanitation District's sewer line under River Road.

*Secondary Water Connection* – The lot will connect to Midway Irrigation Company's secondary water line which services property in the area.

*Setbacks* – A 50’ setback from 200 North is required for any structures built in the proposal. The required setback will be noted on the plat.

*200 North Trail* – The master trail plan shows a trail that crosses the property from the east boundary along 200 North to the northwest boundary of the property. This trail is an important component of the Midway’s master system that will help connect the existing trail on 200 North the Homestead Trail that that ends at The Links. The trail across the proposal will require a public trail easement and construction of the trail. The trail will deed-end at the northwest corner of the property until the property to the north develops. Also, the trail will be a relatively expensive trail because of the sensitive lands that will require water crossings, wetland crossings, and grade excavation. Some of the trail will, most likely, be a boardwalk. The developer has expressed concern over the cost of the trail for a one lot subdivision. The developer has offered 10,000 towards the future construction of the trail. The trail will cost much more than 10,000 to build but the developer feels that for a one lot subdivision, the proposed amount will cover many responsibilities regarding building the trail.

*FEMA Floodplain* – FEMA Flood zone AE covers part of the property and a 50’ setback is required from the flood zone for all structures.

*Sloped areas* – Any sloped areas greater than 25% are not buildable and will be identified on the plat.

*Wetlands* – A wetlands study was conducted in 2006 and identified wetlands on the property. Wetland areas may change over time, so staff is requiring a new study. Wetlands are not buildable and delineated wetlands have a 25’ buffer that does not allow any disturbance unless specifically approved.

*Driveway access* –The proposal fronts on a State Route. The applicant has met with you and received instructions regarding the residential driveway. UDOT is requiring 150’ from the nearest driveways to the east and the west. It will also be required that the lot will have a turnaround so that no vehicles will back out onto 200 North.

*Midway Irrigation Company easement* - A portion of the property also includes a Midway Irrigation Company easement that contains a water storage and debris removal machinery.

**WATER BOARD RECOMMENDATION:**

The Water Board recommended that 3.65 acre feet of water is tendered to the City for required culinary and secondary water for the lot.

**POSSIBLE FINDINGS:**

- The proposed lot meets the minimum requirements for the R-1-15 zoning district
- The proposal does meet the intent of the General Plan for the R-1-15 zoning district
- The subdivision will contribute to the master trails plan by either building the public through the property or contributing the public trail easement across the property and other property owned by the applicant.

**ALTERNATIVE ACTIONS:**

1. Recommendation of Approval (conditional). 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. Continuance. 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. Recommendation of Denial. 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

**RECOMMENDED CONDITIONS:**

1. The developer will dedicate a public trail easement across the property and pay \$10,000 to help build the trail.

October 13<sup>h</sup>, 2020

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

**Subject: Howland Small Scale 1 lot Subdivision – Preliminary / Final Approval**

Dear Michael:

Horrocks Engineers recently reviewed the Howland subdivision plans for Preliminary/Final approval. The proposed subdivision is located at approximately 600 West 200 North. The proposed subdivision consists of 1 lot. The following comments should be addressed prior to City Council approval.

General Comments

- The current wetlands delineation is older than 5 years and needs to be renewed with the Army Corp of Engineers.

Water

- The proposed development will be served from the Gerber Mahogany pressure zone.
- The proposed lot will connect to the existing 12" water line within 200 North

Roads

- The proposed lot will not construct any new roads, the lot will front 200 North.
- The development will need to obtain an access permit from UDOT for a driveway access.

Storm Drain

- The swale along with the existing shoulder will accommodate the storm drain for the lot.

Trails

- A trail easement shall be given within the existing lot. This trail will connect to the future development to the North.

Irrigation

- The proposed lot will connect to the existing pressurized line within 200 North.

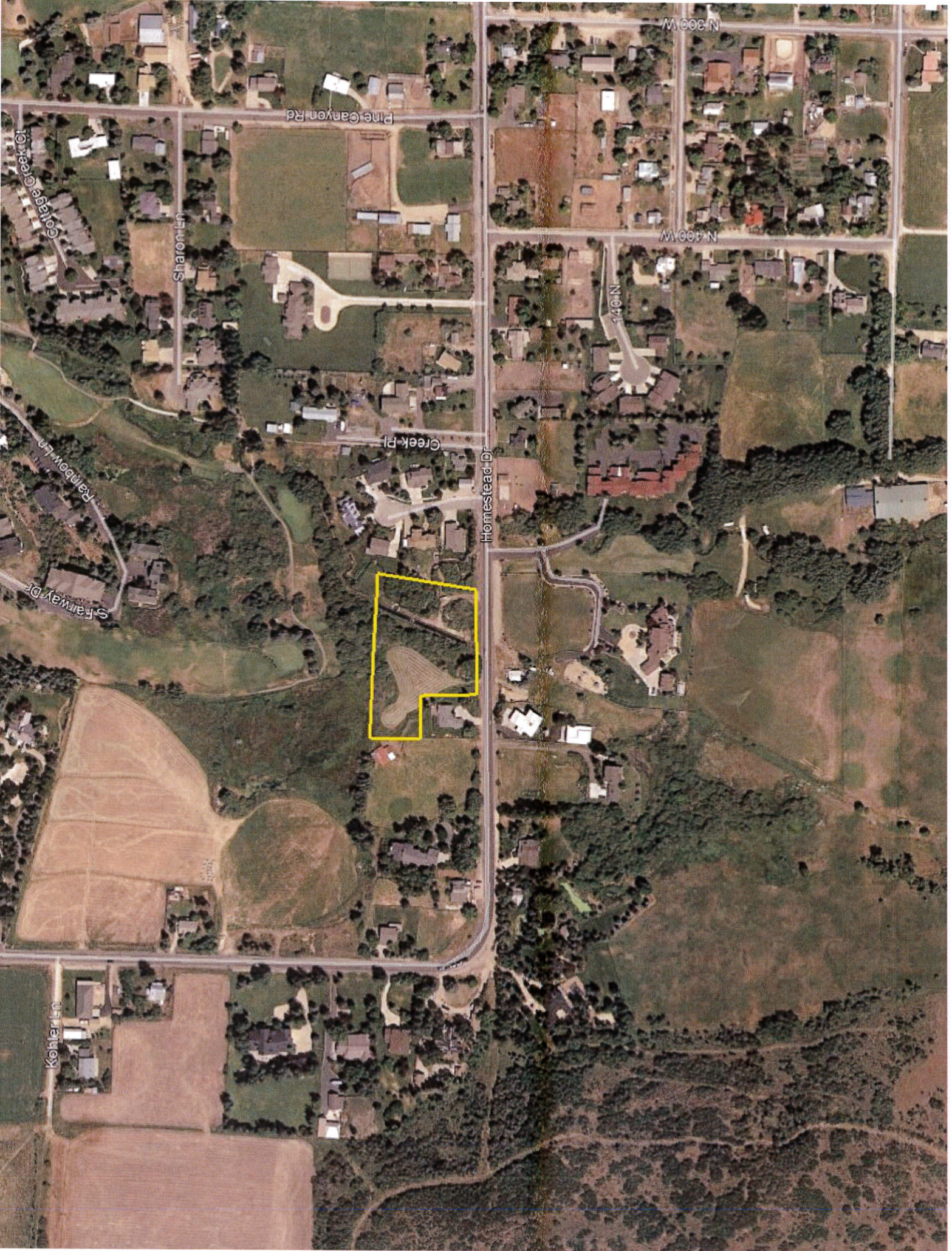
Please feel free to call our office with any questions.

Sincerely,  
HORROCKS ENGINEERS



Wesley Johnson, P.E.  
Midway City Engineer

cc: Paul Berg                      Berg Engineering



N 300 W

Pine Canyon Rd

Sharon Ln

N 400 W

140 N

Creek Pl

Homestead Dr

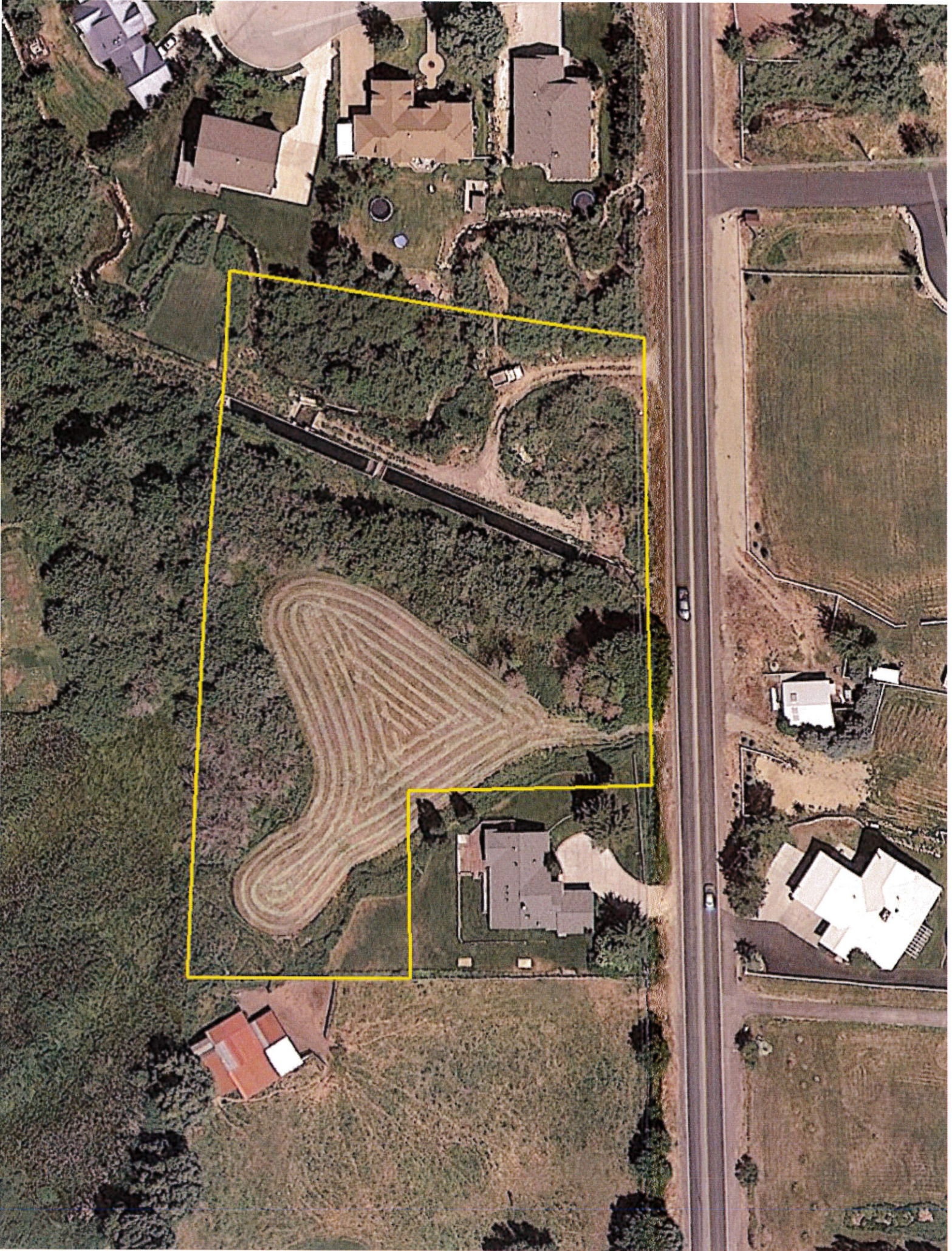


S Farway Dr

Rainbow Ln

Cottage Creek Ct

Kohler Ln











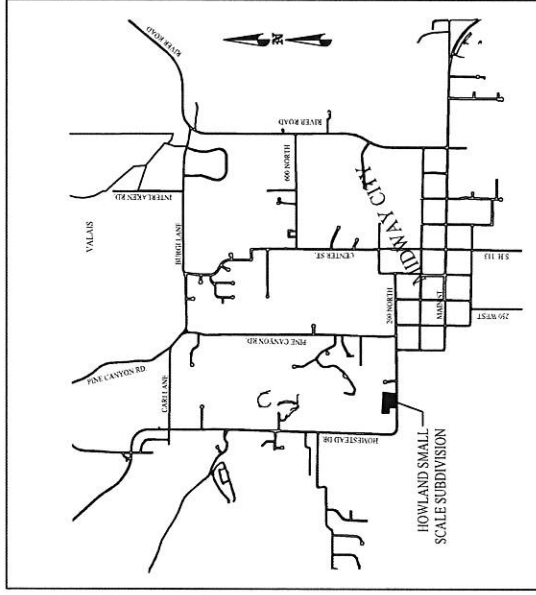


# HOWLAND SMALL SCALE SUBDIVISION

## FINAL APPLICATION

### SHEET INDEX

1. HOWLAND SMALL SCALE SUBDIVISION PLAT
2. SENSITIVE LANDS MAP
3. UTILITY PLAN



VICINITY MAP

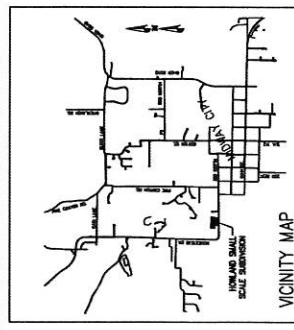
THIS DOCUMENT IS INCOMPLETE  
FOR REVIEW AND COMMENT. IT IS  
ISSUED FOR PUBLIC INFORMATION.  
DATE: 08/22/2000

MPC LLC & FOWIE II LLC  
HOWLAND SMALL SCALE SUBDIVISION

COVER SHEET



DRAWN BY: CMB  
DATE: 08/22/2000  
SHEET: 0



**SURVEYOR'S CERTIFICATE**

IN ACCORDANCE WITH SECTION 10-96-403 OF THE UTAH CODE, I, TROY L. TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED UNDER THE PROFESSIONAL LAND SURVEYING ACT, CHAPTER 122 OF THE UTAH CODE, AND AM REGISTERED WITH THE BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREIN 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 \_\_\_\_\_ SURVEYOR \_\_\_\_\_

**BOUNDARY DESCRIPTION**

BEGINNING SOUTH 1192.04 FEET AND WEST 430.13 FEET MORE OR LESS FROM THE LAKE BASE AND MERIDIAN OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN TO THE POINT OF BEGINNING.

THENCE SOUTH 87°43'00" EAST 58.67 FEET;

THENCE SOUTH 87°43'00" WEST 34.25 FEET;

THENCE SOUTH 07°04'28" EAST 304.25 FEET;

THENCE NORTH 89°37'42" WEST 118.77 FEET;

THENCE NORTH 89°37'42" WEST 118.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.31 ACRES

**ADDRESS TABLE**

LOT	ADDRESS
1	XXX WEST 250 NORTH

**OWNERS DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREIN, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND EASEMENTS, AND IN ACCORDANCE WITH SECTIONS 17-23-17 OF THE UTAH CODE, HEREBY DEDICATE THESE 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: \_\_\_\_\_

**LEGEND**

RIGHT-OF-WAY DEDICATION TO MIDWAY CITY (0.22 ACRES)

10' IRRIGATION EASEMENT

WETLANDS (DELIMITED BY MISE EARTH, JUNE 2006)

**ACKNOWLEDGMENT**

STATE OF UTAH }  
COUNTY OF WASHON } ss.

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED TO ME \_\_\_\_\_, A PUBLIC OFFICER, KNOWN TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED.

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC

**ACCEPTANCE BY MIDWAY CITY**

THE CITY CLERK OF MIDWAY CITY, COUNTY OF UTAH, HEREBY APPROVES THIS 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 (SEE SEAL BEHIND)

APPROVED \_\_\_\_\_ CITY CLERK OF MIDWAY CITY \_\_\_\_\_ CITY ATTORNEY

**PLANNING COMMISSION APPROVAL**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY THE \_\_\_\_\_ CITY PLANNING COMMISSION

PLANNING DIRECTOR \_\_\_\_\_ CHAIRMAN, PLANNING COMMISSION

**HOWLAND SMALL SCALE SUBDIVISION**

MIDWAY CITY, WASHON COUNTY, STATE OF UTAH

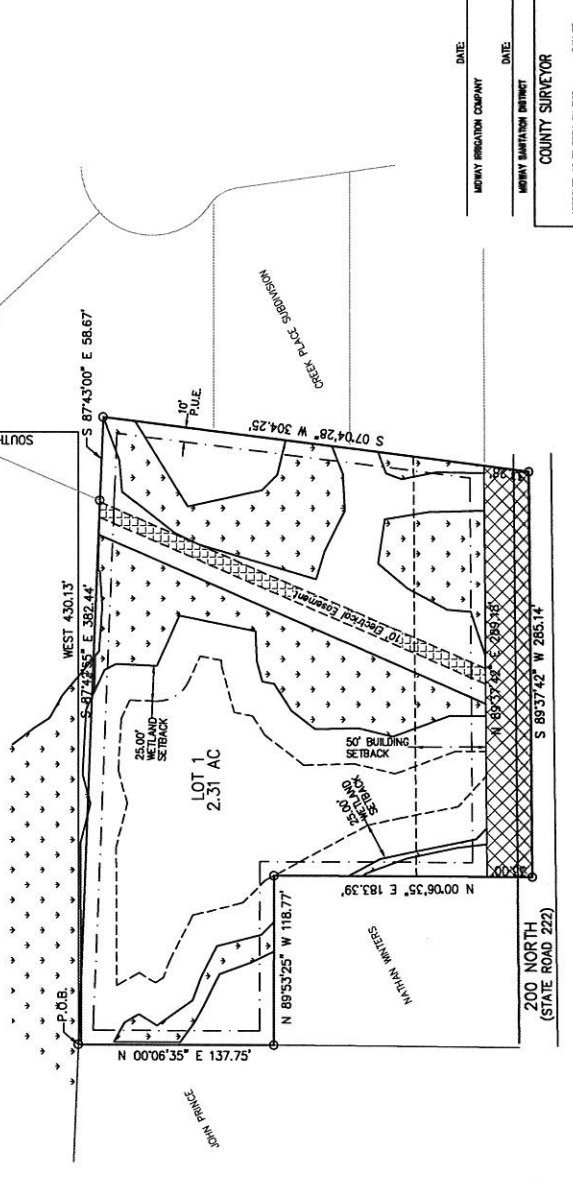
LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

SCALE: 1" = 330 FEET

APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MS / \_\_\_\_\_

COUNTY SURVEYOR



DATE OF SURVEY

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

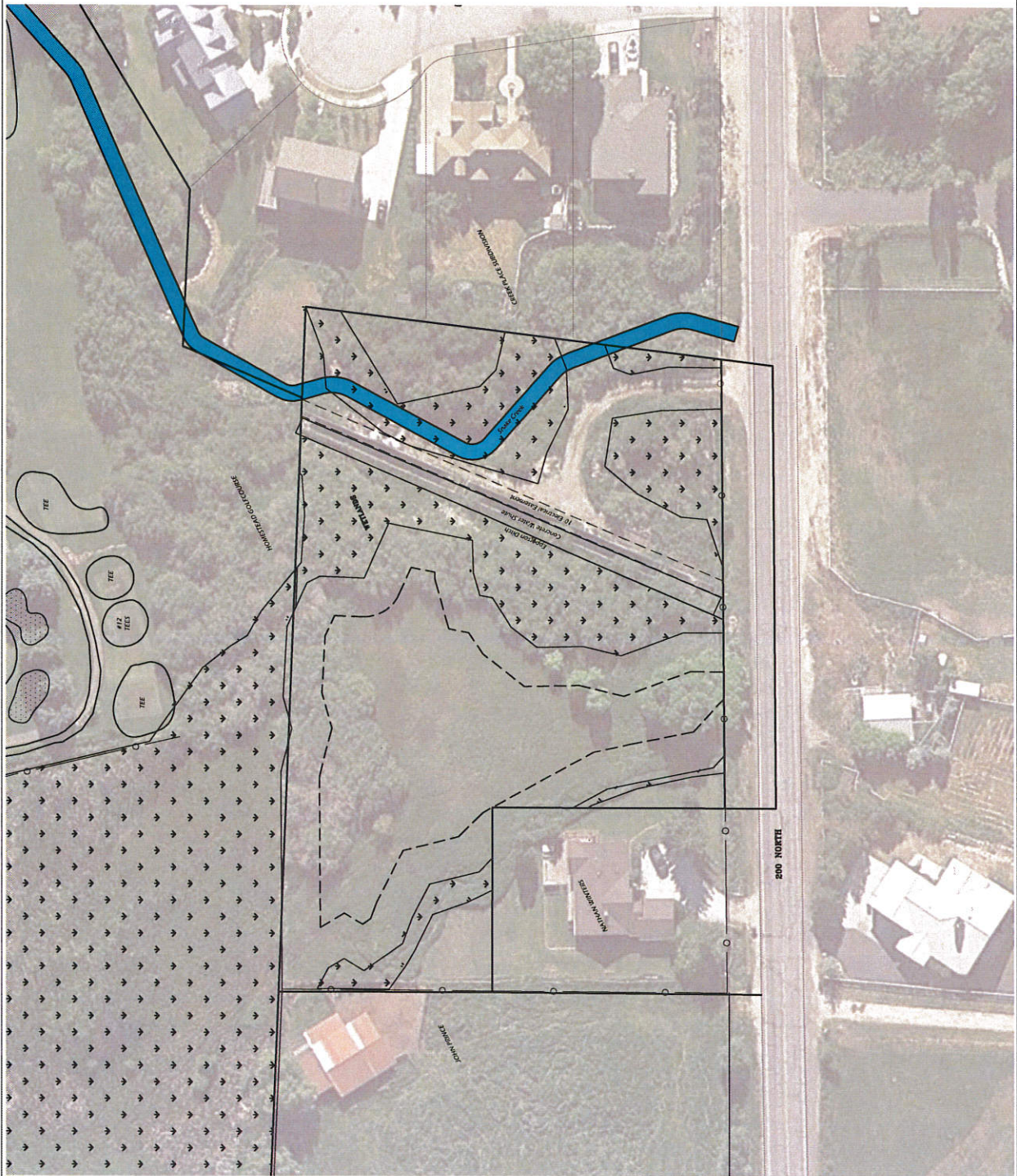
DATE

DATE

DATE

DATE

DATE



**LEGEND**

WETLANDS  
 DEMONSTRATED BY USE  
 OF ARROWS



0 15' 30' 60' 90'

**SCALE: 1" = 30'**

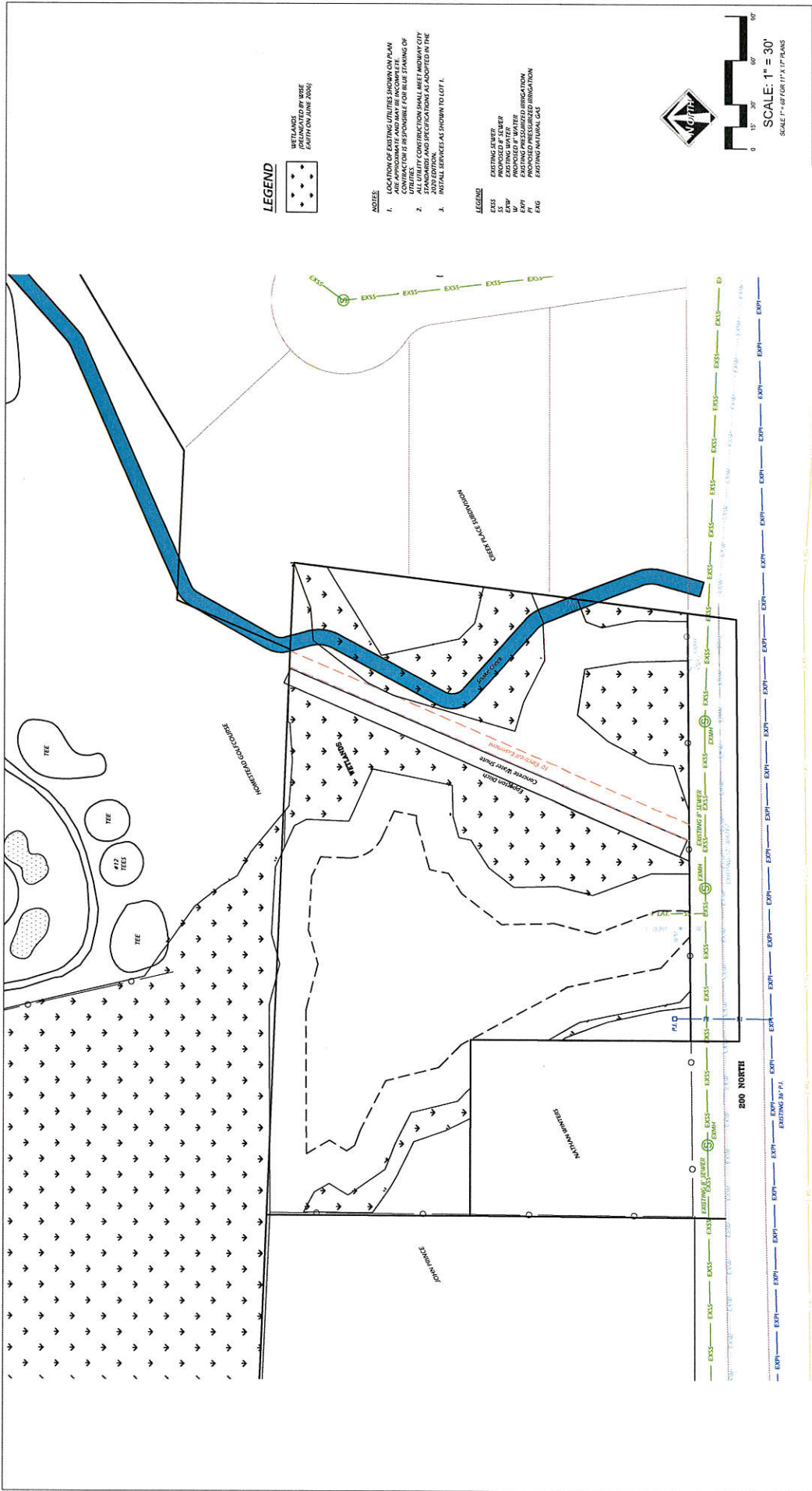
SCALE 1" = 60' FOR 17.5" PLANS

MBC LLC & BONSTE II LLC  
 HOWLAND SMALL SCALE SUBDIVISION  
 SENSITIVE LANDS MAP

**BERG ENGINEERING**  
 AGENCY OF ENERGY  
 1000 W. 10TH ST.  
 DENVER, CO 80202  
 DATE: 08/07/2010

DESIGNER: CEL | DATE: 08/07/2010 | SHEET: 2  
 DRAWN: CEL | REV: 1

THIS DRAWING IS A PRELIMINARY  
 AND IS NOT TO BE USED FOR  
 ANY PURPOSES WITHOUT THE  
 REVIEW AND APPROVAL OF THE  
 DESIGNER. ANY CHANGES  
 SHALL BE MADE TO THE  
 DATE: 08/07/2010



**LEGEND**



WETLANDS PER USE  
EARTH ON JUNE 2004

**NOTES**

1. LOCATIONS OF EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAKING OF ALL UTILITIES.
2. ALL UTILITY CONSTRUCTION SHALL MEET MIDWAY CITY STANDARDS AND SPECIFICATIONS AS ADOPTED IN THE 2020 EDITION.
3. INSTALL SERVICES AS SHOWN TO LOT F.

**LEGEND**

- EXISTING DRAINAGE
- EXISTING WATER
- EXISTING NATURAL GAS
- PROPOSED WATER
- PROPOSED PRESSURIZED IRRIGATION
- EXISTING NATURAL GAS



SCALE: 1" = 30'  
SCALE 1" = 30' FOR ALL UTILITY PLANS

MFC LLC & PARTNER II LLC  
HOWLAND SMALL SCALE SUBDIVISION  
UTILITY PLAN



DESIGNER: CEL  
DRAWN BY: CEI  
DATE: 08/09/2020  
REV: 3

THE DESIGNER IS NEITHER  
AND IS RELEASED FROM LIABILITY  
FOR ANY AND ALL DAMAGES,  
REPAIRS, OR COSTS OF REPAIRS,  
REMOVAL, OR RECONSTRUCTION  
OF ANY UTILITY OR STRUCTURE  
SERIAL NO. 2020000000  
DATE: 08/09/2020



DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO CA 95814-2922

REPLY TO  
ATTENTION OF

December 19, 2007

Regulatory Branch (SPK-200702271-UO)

Sowby and Berg Consultants  
Attn: Carl Berg  
360 East Main Street, Suite B  
Midway, Utah 84049

Dear Mr. Berg:

We are responding to your consultant's request for an approved jurisdictional determination for the Midway Pointe Project. This approximately 9.56-acre site is located in Section 34, Township 3 South, Range 4 East, SLB&M, Latitude 40.517° North, Longitude - 111.485° West, City of Midway, Wasatch County, Utah.

Based on available information, we concur with the estimate of waters of the United States, as depicted on the Eagle Pointe- Wetland Map prepared by Wise Earth. Approximately 5.14 acres of waters of the United States, including wetlands, are present within the survey area. These waters are regulated under Section 404 of the Clean Water Act, since they are directly abutting a tributary (relatively permanent waterway), tributary to Utah Lake (navigable in fact waterway).

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.

A Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form is enclosed. If you request to appeal this determination you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPDPDS-O, 1455 Market Street, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 60 days from the date of this letter. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.



WASATCH CO. RISE BLVD. ADDRESS: P.O. BOX 10000, SALT LAKE CITY, UT 84108  
PHONE: (435) 633-6724

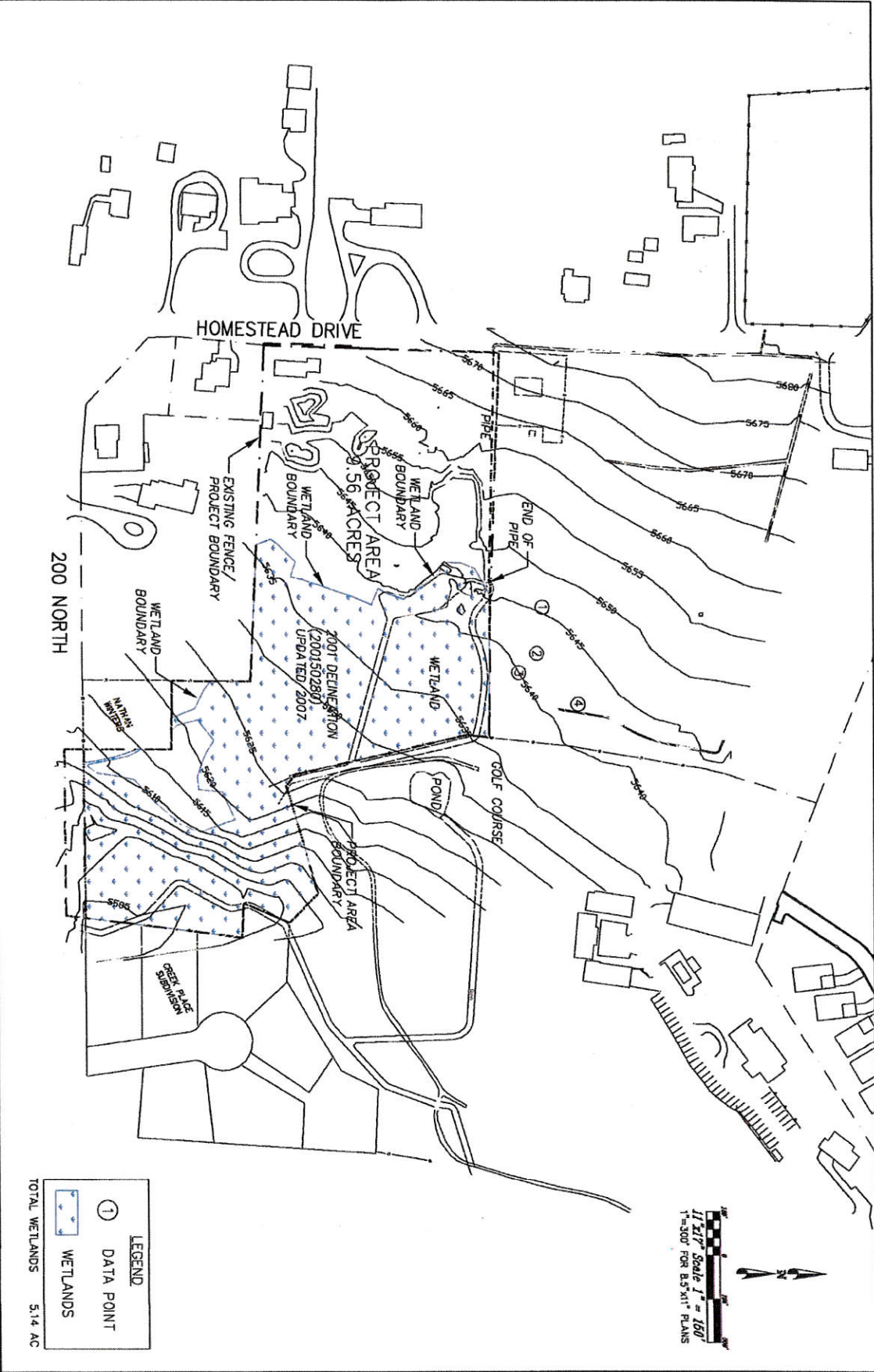
EAGLE POINTE - WETLANDS MAP

SOBY & BEAC CONSULTANTS 400 E MAIN ST. SUITE 200, SALT LAKE CITY, UT 84101  
PHONE: (435) 657-9749

SCALE: 1" = 150' DRAWN BY: CHS

DATE: 17 DEC 2007

DATE: 17 DEC 2007  
DRAWN BY: CHS



LEGEND	
①	DATA POINT
■	WETLANDS
TOTAL WETLANDS 5.14 AC	