



Midway

PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: October 13, 2020

NAME OF PROJECT: Mountain Spa Rural Preservation Subdivision

NAME OF APPLICANT: Chuck Heath

PROPERTY OWNER: Mountain Spa Investors LLC

ENGINEER: Berg Engineering

AGENDA ITEM: Preliminary/Final Approval

LOCATION OF ITEM: 600 North 200 East

ZONING DESIGNATION: R-1-22

ITEM: 3

Chuck Heath, agent for Mountain Spa Investors LLC, is requesting preliminary/final approval of Mountain Spa Rural Preservation Subdivision. The proposal is for a 5-lot subdivision on 52.45 acres and is in the R-1-22 zone. The property is located at 800 North and 200 East.

BACKGROUND:

This request is for preliminary/final approval of a Rural Preservation Subdivision on 52.45 acres and will contain five lots. The proposal is on the historic Mountain Spa property and will help preserve the property by creating a low-density development that will leaving large areas of open space next to River Road and Burgi Lane.

The lots vary in size from 1.01 acres to 21.53 acres. The density in the subdivision is one dwelling for every 10.49 acres. The property, including all five lots, will be deed restricted so no further subdividing of any kind will be allowed within the subdivision plat. Further, 34.6 acres will be restricted from development and limited in use with a conservation easement that will be held by Summit Land Conservancy. The density on the 52.45 acres will never be more than five dwelling units.

Currently the property is being used for agriculture. There are sensitive lands present in the development area that include wetlands, slopes greater than 25%, major geologic features and minor geologic features. These areas may not be disturbed and will be noted on the plat so no structures will be allowed in those areas.

There is a required public trail that will be placed on a 20' wide public trail easement planned along River Road.

LAND USE SUMMARY:

- 52.45-acre parcel
- R-1-22 zoning
- Proposal contains five lots
- Public trail along River Road
- Private driveways
- Sensitive lands
 - 25% slopes
 - Wetlands
 - Major geologic features
 - Minor geologic features
- The lots will connect to Midway City's culinary water line, and Midway Irrigation Company's secondary water line
- Lots 1, 2 and 5 will connect to sewer
- Lots 3 and 4 will install septic systems

ANALYSIS:

Access – Access for the lots will be from private driveways, though some of the private driveways will become a public or private road as the resort area of the property develops. Lots 1 and 2 will access from 200 East. Lots 3 and 4 will access from Burgi Lane on the provided easement. Further, lot 4 is petitioning for a direct access from Burgi Lane for the future dwelling. Since Burgi Lane is a collector road, City Council will need to approve a direct access. Lot 5 will have an access from 200 East. Further, lot 5 is petitioning for a direct access from River Road for the dwelling. If direct access is not allowed for Lot 4 from Burgi Lane or for Lot 5 from River Road for the dwellings, access may be considered for agricultural uses on the two large agricultural parcels. No other access will be allowed from River Road or Burgi Lane. The private driveways will be maintained by the Homeowners' Association. Codes, covenants and restrictions (CCRs) must be submitted to the City for review and must include a driveway maintenance clause.

Driveway cross section – The application indicates the driveways will be 20' wide which does comply with the rural preservation driveway standards.

Culinary Water Connection – The lots will connect to the City's water lines located under the surrounding streets once the State has approved a change application to transfer the water rights the owner's hold to the City's sources.

Secondary Water Connection – The developer will need to follow the City's Foreign Water ordinance and work with Midway Irrigation Company (MIC) to connect to MIC's system. Each lot will require a secondary water meter.

Sewer Connection – The lots 1, 2, and 5 will connect to Midway Sanitations District's line located under Center Street. Lots 4 and 5 will install septic tanks. The developer will need to comply with the Wasatch Health Department requirements which require a percolation test is performed on both lots before the plat is recorded to assure the ground is suitable for septic drain fields. The two lots may connect to the sewer system in the future if all requirements are met.

River Road Trail – The developer will dedicate a 20' public trail easement along River Road. The City recently built a paved trail along the road in the City's right-of-way. The trail was installed in the right-of-way temporarily and has always been planned to be separated from River Road farther once an easement could be obtained. The developer will provide the public trail easement and the City can require construction of the trail. The Parks and Trails Committee and staff are proposing that the developer dedicate the easement but not built the trail. Instead the developer will pay the amount of the cost of building the trail to the general trail fund. Once the current River road trail deteriorates and needs replacement at some future date, the City will build the trail on the dedicated easement moving it farther from the road. This option seems reasonable under the circumstance since the trail was completed this year.

Sensitive Lands - The property has geothermal springs and craters filled with warm water. There is a large area of pot rock around the springs and craters which are considered a major geologic feature area by Midway City and protected as part of the sensitive lands code. There are also wetland areas on the property. The sensitive lands will be noted on the plat and will be left undeveloped as per the sensitive lands code.

Deed Restrictions – The 52.45 acres within the plat will be deed restricted so no further subdividing of any kind will be allowed within the subdivision plat. The density of the 20.78 acres will never be more than five dwelling units. A note will also be placed on the plat indicating the restriction. Deed restrictions will also be recorded towards each lot immediately after the plat is recorded so all future landowners in the plat will know of the restrictions before any property is purchased. The deed restriction language will state the following:

1. *Any further subdividing of the lot is prohibited.*

The deed restriction prohibiting further subdivision of the lots within the development is created for the benefit of all of the lots within the development, all of the neighboring lots to the development, and Midway City. This deed restriction cannot be altered in any way without written consent from all of the above. This deed restriction is a covenant that runs in perpetuity with the land, and it shall inure to the benefit of the owners of each lot within the development, the owners of neighboring lots of the development, and Midway City, including all parties' heirs, successors or assigns.

All future owners take title subject to this Deed Restriction and shall be bound by it.

WATER BOARD RECOMMENDATION:

The Water Board recommended that 70.3 acre feet of water is tendered to the City before the plat is recorded. A change application will need to be approved by the State Engineer's Office to complete that process before the plat is recorded. Also, the lots will be required to install secondary water meters.

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the R-1-22 zoning district
- The proposal does meet the intent of the General Plan for the R-1-22 zoning district
- The proposal does comply with the requirements for the Rural Preservation Subdivision code
- The subdivision helps comply with the vision states in the General Plan to preserve open space and a rural atmosphere
- All five lots will be deed restricted so they can never be further subdivided
- The subdivision will help complete the master trail plan dedicating a public trail easement and contributing funds to build future trails.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission finds that the proposal complies with the intent of the land use code.
 - 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 the request does not comply with the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS:

- Deed restrictions that will be recorded towards all five lots must be submitted to the City for review.
- A note on the plat is included with language that eliminates the ability to subdivide any of the five lots.
- 70.3-acre feet of water is tendered to the City before the plat is recorded.

October 13th, 2020

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

Subject: Mountain Spa Rural Preservation Subdivision – Preliminary Approval

Dear Michael:

Horrocks Engineers recently reviewed the Mountain Spa Rural Subdivision plans for Preliminary approval. The proposed subdivision is located at approximately 800 North 200 East. The proposed subdivision consists of 5 lots. The following comments should be addressed prior to City Council approval.

Water

- The proposed development will be served from the Gerber Mahogany Springs zone.
- The fire hydrant spacing shall not exceed 500'.

Roads

- Each road within the proposed development will be a private road.

Storm Drain

- The storm water will need to be collected and maintained onsite.
- Storm drain calculations should be submitted to our office with the future development of the site.

Trails

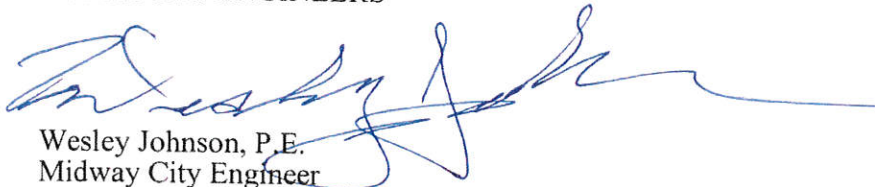
- The existing trail adjacent to River Road should stay at its current location. The easement for a River Road trail within the Mountain Spa property should be dedicated to the City and the cost of installing a new trail should be paid to the City. This money will be used to install future trails within the City.
- There should be a discussion regarding the future North-south trail through the development.

Irrigation

- The proposed development will need to bring secondary water into the development to serve the five homes.

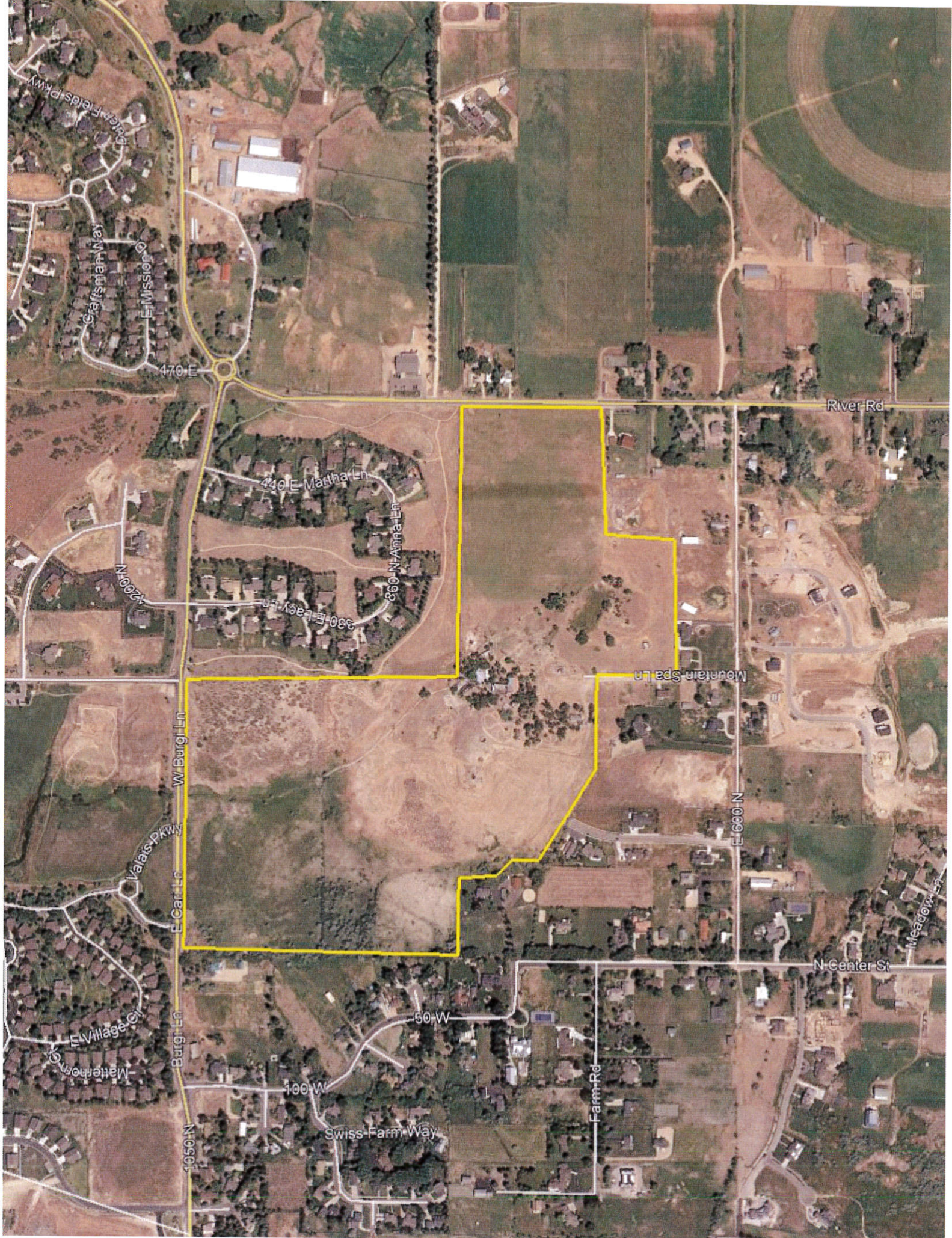
Please feel free to call our office with any questions.

Sincerely,
HORROCKS ENGINEERS



Wesley Johnson, P.E.
Midway City Engineer

cc: Paul Berg Berg Engineering

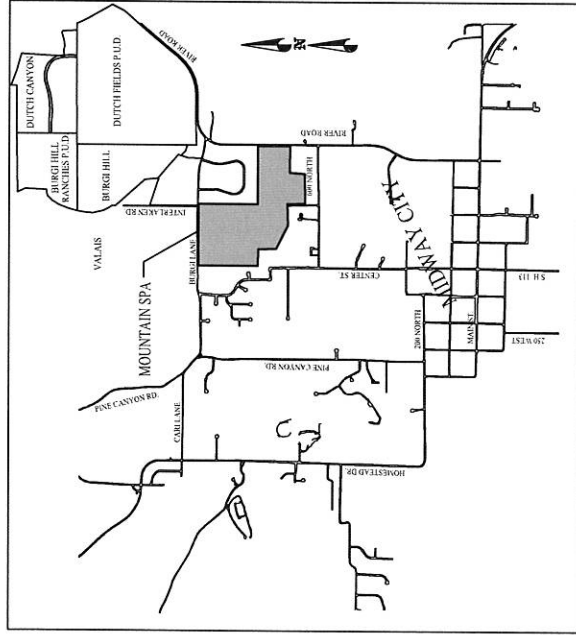


MOUNTAIN SPA

RURAL PRESERVATION SUBDIVISION

SHEET INDEX

1. RURAL PRESERVATION SUBDIVISION PLAT
2. ROAD PLAN
3. UTILITY PLAN



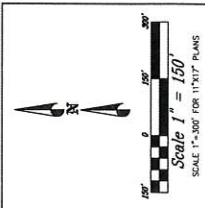
VICINITY MAP

THIS DOCUMENT IS INCOMPLETE
FOR ANYTHING OTHER THAN IT IS
INTENDED. IT IS THE RESPONSIBILITY
OF THE USER TO OBTAIN ALL NECESSARY
PERMITS AND APPROVALS FROM THE
APPLICABLE AGENCIES.
CALL: S. BERG, P.L.C.
PHONE: 409.486.2222
DATE: 3.22.2008

CHUCK BEATH
MOUNTAIN SPA
COVER SHEET



| | | |
|-------------|------|-------|
| ISSUED FOR | DATE | SHEET |
| PROJECT NO. | REV. | 0 |



LAND USE TABLE

| | |
|-------------------------------|-------------|
| CURRENT ZONE | R-1-22 & RZ |
| TOTAL AREA | 78.02 ACRES |
| AREA IN RESORT ZONE | 41.20 ACRES |
| AREA IN R-1-22 ZONE | 36.82 ACRES |
| RESORT DEVELOPMENT PARCEL | 19.57 ACRES |
| HOT POT CONSERVATION EASEMENT | 8.11 ACRES |

LEGEND

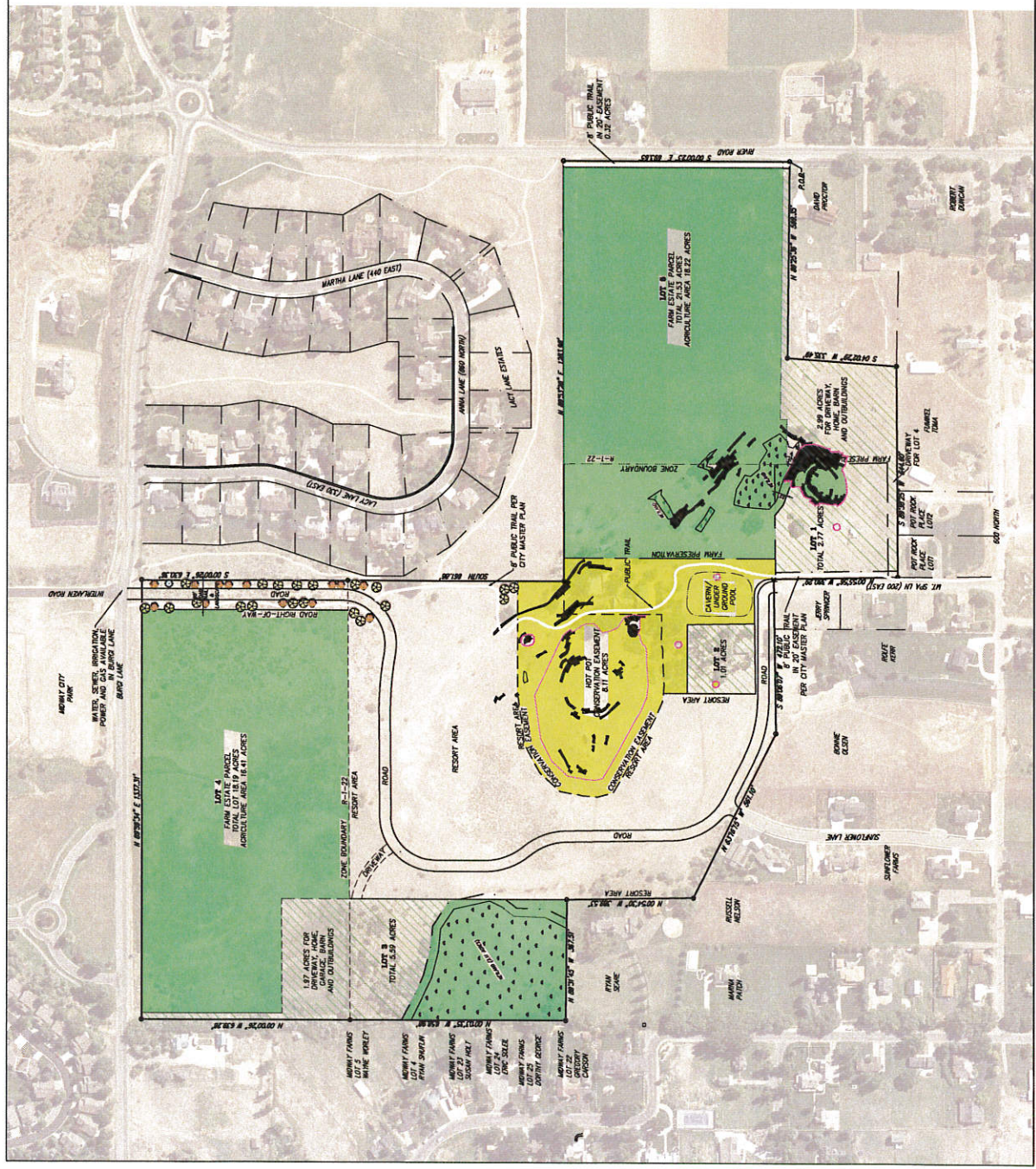
- METLANDS (3.75 ACRES)
- SLOPES > 25% (0.33 ACRES OUTSIDE OF HOT POT/CRAFTER SENSITIVE LANDS (3.32 ACRES)
- HOT POT/CRAFTER SENSITIVE LANDS (3.32 ACRES)
- RESORT ZONE BOUNDARY
- PRESERVATION / NON-RESORT AREAS (MATCHED AREAS DENOTE AREAS WHERE BUILDING IS ALLOWED).
- HOT POT CONSERVATION EASEMENT (8.11 ACRES)
NOTE: AN ADDITIONAL 4.59 ACRES IS INCLUDED IN THE CONSERVATION EASEMENT.

THIS DOCUMENT IS RELEASED
INTENDED FOR CONSTRUCTION
PERMITS ONLY. NOT TO BE
USED FOR ANY OTHER PURPOSES.
DATE: 11.18.2020

CHUCK HEATH
MOUNTAIN SPA
OPEN SPACE EXHIBIT

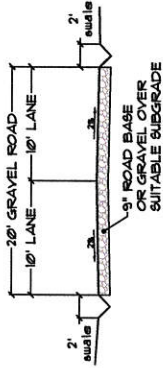
BERG ENGINEERING
380 E MAIN ST. SUITE 204
DENVER, CO 80202
PH: 303.557.9749

DRAWN BY: DATE: 11/18/20
REV: SHEET





Scale 1" = 150'
SCALE 1"=300' FOR TRAFFY PLANS



GRAVEL DRIVEWAY SECTION

1. 30' GRAVEL DRIVEWAY IS ALLOWED PER SECTION 16.18.14 OF THE HOWLAND CITY CODE. GRAVEL DRIVEWAYS FOLLOW ALIGNMENT FOR THE PROPOSED FUTURE 30' ASPHALT ROADS FOR THE RESORT. THE GRAVEL DRIVEWAYS WILL BE USED UNTIL THE RESORT IS DEVELOPED.

LEGEND

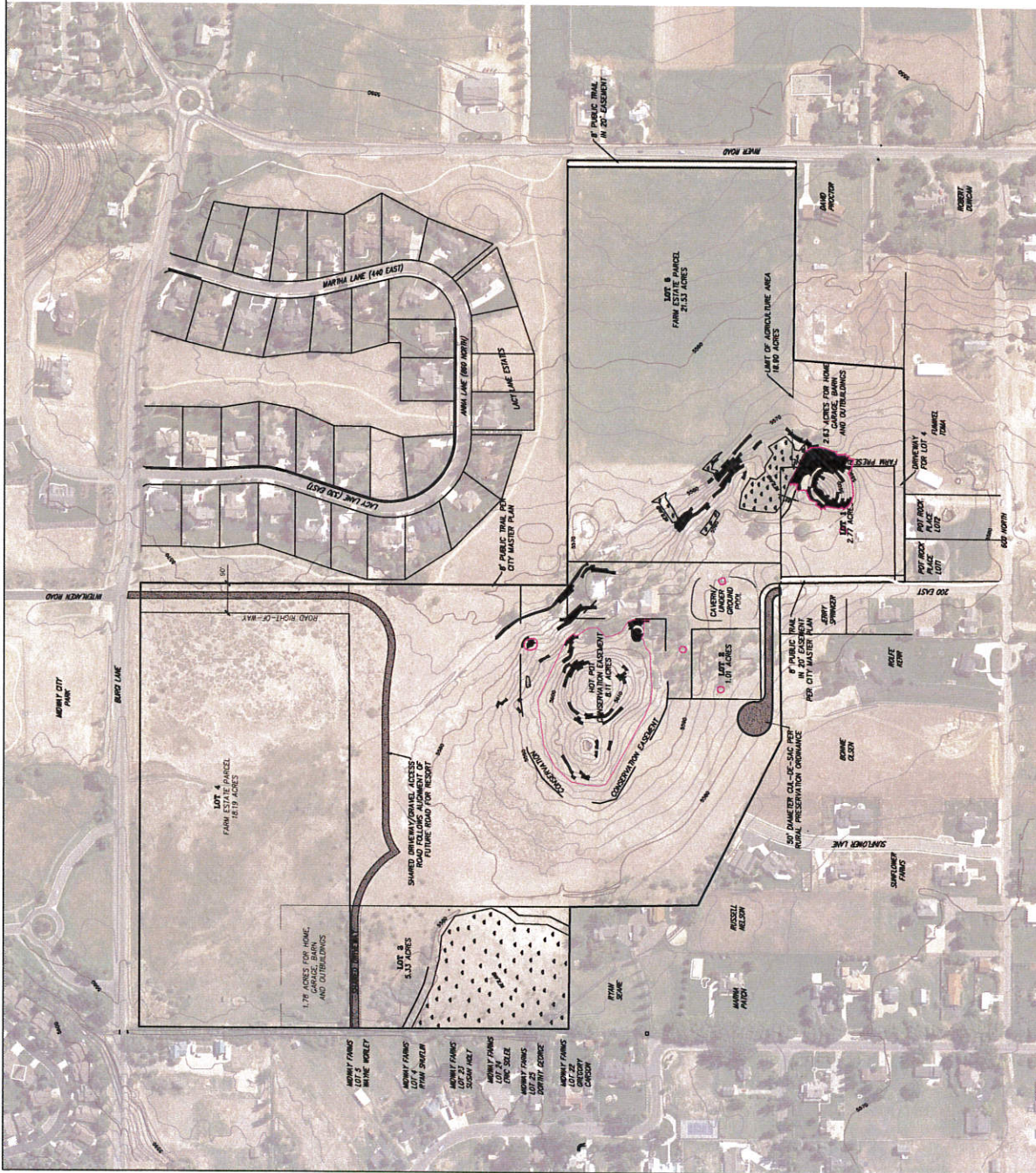
- WETLANDS (13.75 ACRES)
- SLOPES > 25% (0.33 ACRES OUTSIDE OF HOT POT/CRATER)
- HOT POT/CRATER SENSITIVE LANDS (3.52 ACRES)
- 30' GRAVEL DRIVEWAY IS ALLOWED PER SECTION 16.18.14 OF THE RURAL PRESERVATION SUBDIVISION CODE.

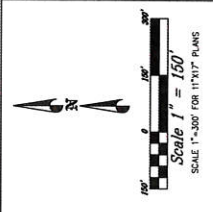
THIS DOCUMENT IS RELEASED IN FULL TO THE PUBLIC WITHOUT FURTHER NOTICE UNLESS INDICATED OTHERWISE.
DATE: 8.28.2020

CHUCK BEATH
MOUNTAIN SPA
RURAL PRESERVATION
SUBDIVISION ROAD PLAN

BERG ENGINEERING
3802 E MAIN ST, SUITE 200
DENVER, CO 80202
PH: 303.527.9749

DESIGNER: PBR
DRAWN BY: PBR
DATE: 8.28.2020
SHEET 2



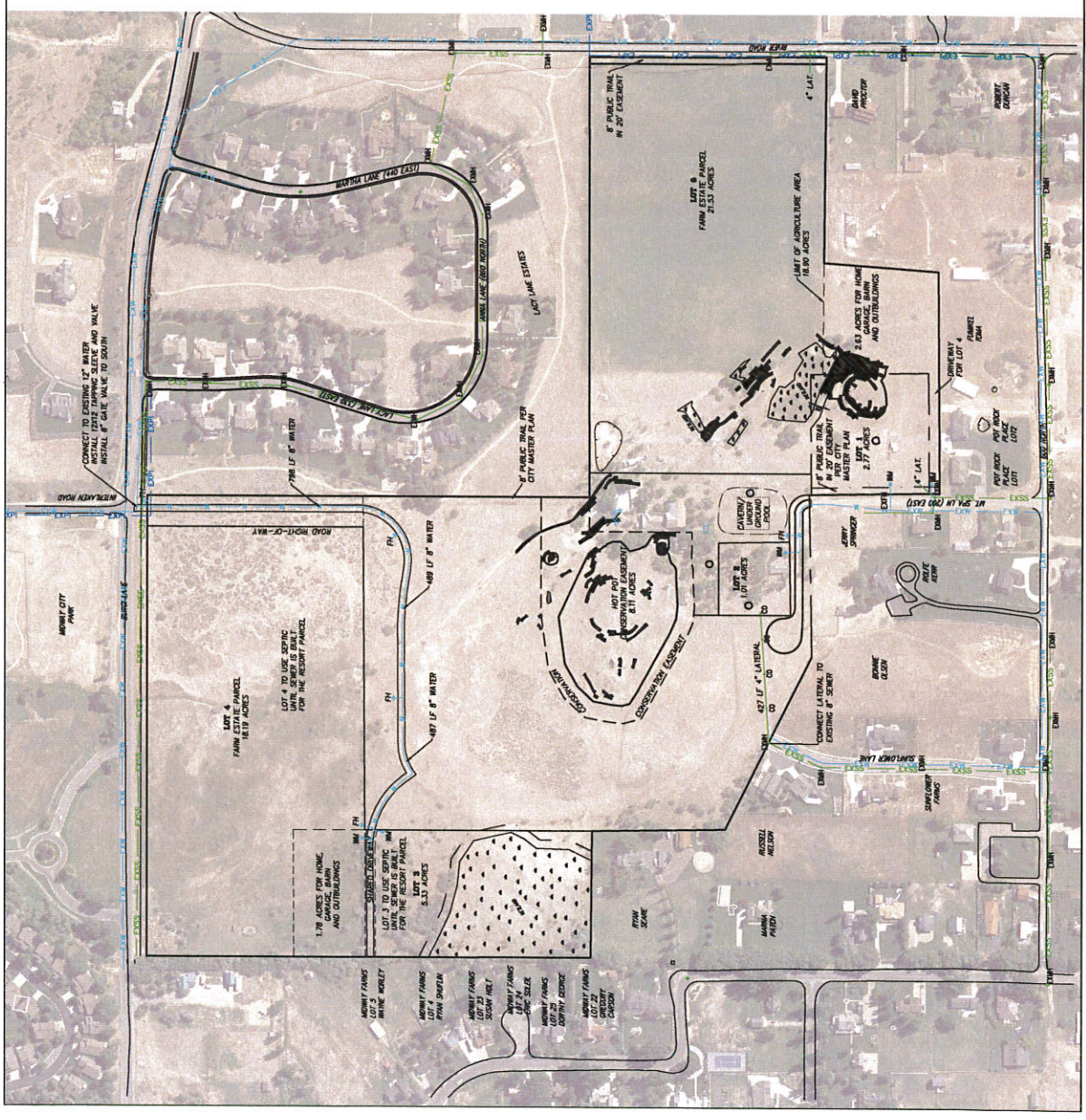


- LEGEND**
- WETLANDS (3.75 ACRES)
 - SLOPES > 25% (0.33 ACRES OUTSIDE OF HOT POT/CRAFTER)
 - HOT POT/CRAFTER SENSITIVE LANDS (3.52 ACRES)
 - RESORT ZONE BOUNDARY
 - EXISTING PRESSURIZED IRRIGATION
 - EXISTING WATER
 - EXISTING SEWER
 - PROPOSED WATER
 - PROPOSED SEWER

- SEWER NOTES:**
- ALL SEWER MATERIALS ARE 4" UNLESS OTHERWISE NOTED. ALL SHALL MEET MOWMY CITY STANDARDS & SPECIFICATIONS
 - ALL WATER IMPROVEMENTS SHALL MEET MOWMY CITY STANDARDS & SPECIFICATIONS
- WATER NOTES:**
- ALL WATER IMPROVEMENTS SHALL MEET MOWMY CITY STANDARDS & SPECIFICATIONS
- BLUE STAKE NOTE:**
- LOCATION OF EXISTING UTILITIES SHOWN ON PLAN
 - CONTRACTOR IS RESPONSIBLE FOR BLUE STAKING OF UTILITIES
- PRESSURIZED IRRIGATION NOTES:**
- IMPROVEMENTS SHALL MEET MOWMY IRRIGATION COMPANY STANDARDS & SPECIFICATIONS

THIS DOCUMENT IS RELEASED WITHOUT WARRANTY FOR CONSTRUCTION PURPOSES ONLY. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. PAUL A. BERG, P.E. DATE: 11.28.2024

| | | | | |
|---|--|------------------|------------------|----------|
| CHICK DEATH MOUNTAIN SPA UTILITY PLAN | | DESIGNED BY: PDB | DATE: 11/28/2024 | SHEET: 3 |
| | | DRAWN BY: PDB | REV: 0 | |





REPLY TO
ATTENTION OF

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

June 30, 2005

Regulatory Branch (200550238)

Dan Byer
1170 South Center Street
Midway, Utah 84049

Dear Mr. Byer:

We are responding to your consultant's request for an approved jurisdictional determination for the Mountain Spa site. This approximately 58.5-acre site is located adjacent to Snake Creek in Section 26, Township 3 South, Range 4 East, SLB&M, Latitude 040° 31' 32.0", Longitude 111° 28' 5.30", in Midway, Wasatch County, Utah.

Based on available information and a site visit conducted by Jason Gipson of this office on June 10, 2005, we concur with the estimate of waters of the United States, as depicted on the enclosed drawing, **June 21, 2005, Wetland Delineation Map**, prepared by **Harriet Whitson of Wise Earth**. Approximately 3.75 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 adjacent to a tributary to the Provo River.

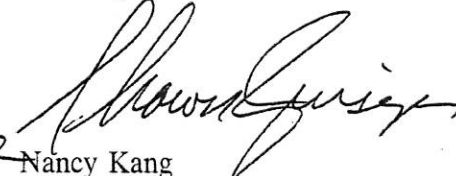
This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. A *Notification of Administrative Appeal Options and Process and Request for Appeal* form is enclosed. If you wish to appeal this approved jurisdictional determination, please follow the procedures on the form. 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.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

Under Section 404 of the Clean Water Act, a Department of the Army permit is required prior to discharging dredged or fill materials into waters of the United States. The type of permit required will depend on a number of factors, including the type and amount of waters affected by the discharge. For more information on how to obtain a permit from our office, please visit our website at <http://www.spk.usace.army.mil/regulatory.html>.

Please refer to identification number 200550238 in any correspondence concerning this project. If you have any questions, please contact Jason Gipson at the Utah Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010-7744, email jason.a.gipson@usace.army.mil, or telephone 801-295-8380, extension 22.

Sincerely,


FOR Nancy Kang
Chief, Utah Regulatory Office

Enclosures

Copy furnished:

Harriet Whitson, Wise Earth, PO Box 980994, Park City, Utah 84098