

Midway City Council
16 May 2023
Regular Meeting

Meadows at Dutch Canyon /
Plat Amendment



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: May 16, 2023

NAME OF PROJECT: The Meadows at Dutch Canyon

NAME OF APPLICANT: Berg Engineering

NAME OF OWNER: SES 260 LLC

AGENDA ITEM: Plat Amendment to combine Lots 1 and 2

LOCATION: 787 East Dutch Canyon Drive

ZONING DESIGNATION: RA-1-43 zone

ITEM: 7

Berg Engineering, SES 260 LLC, is requesting a Plat Amendment of The Meadows at Dutch Canyon Subdivision. The proposal is to combine lots 1 and 2 into one building lot. The property is located at 787 East Dutch Canyon Drive and is in the RA-1-43 zone.

BACKGROUND:

Berg Engineering is proposing a plat amendment to The Meadows at Dutch Canyon Subdivision. The proposed amendment would combine lots 1 and 2 into one building lot. Both lots are owned by SES 260 LLC. The property is located at 787 East Dutch Canyon and is in the RA-1-43 zone. Currently lot 1 is 0.97 acres and lot 2 is 0.9 acres. The proposed new combined lot will be 1.87 acres. In the past several years the City Council has approved approximately ten similar plat amendments where lots were combined.

The approval of the plat amendment will reduce the potential traffic in the area by, approximately, ten trips per day. It will also create more open area because only one dwelling will be allowed instead of the two that are currently approved. Overall density in the subdivision will also be reduced if the proposal is approved. The applicant will benefit from reduced property taxes if the lots are combined into one lot.

There is a Midway Irrigation Company (MIC) ditch that runs along the north boundary of the property of The Meadows at Dutch Canyon. It was recently discovered that an easement was not included on the current plat for MIC that gives notice for lot owners of maintenance and development restrictions for the existing irrigation ditch. A MIC easement was included in both plats of the Dutch Canyon subdivision to the east. The MIC easement in Dutch Canyon plat A is for the same irrigation ditch that runs through lots 1 and 2 of the lots that are proposed to be combined. An easement should be placed on the amended plat that will give property owners notice of restrictions within the easement.

ANALYSIS:

In order for the Land Use Authority to approve a plat amendment Utah State Code dictates that the Land Use Authority consider the petition in a public meeting. The City Council should consider if the proposal is in the best interest of the community and if the petition matches the vision of Midway as described in the General Plan. The General Plan describes, among many things, the preservation of open space and the rural atmosphere of Midway.

No public street, right-of-way, easement will be vacated or altered. A public utility easement that runs along the shared lot lines will be removed and the other will be relocated along the new lot line boundaries.

PROPOSED FINDINGS:

- Potential trips per day generated from the two lots will be reduced
- Density in the subdivision will be reduced
- The area will feel more open because of the reduction of one lot
- No public street, right-of-way, or easement will be vacated or altered

ALTERNATIVE ACTIONS:

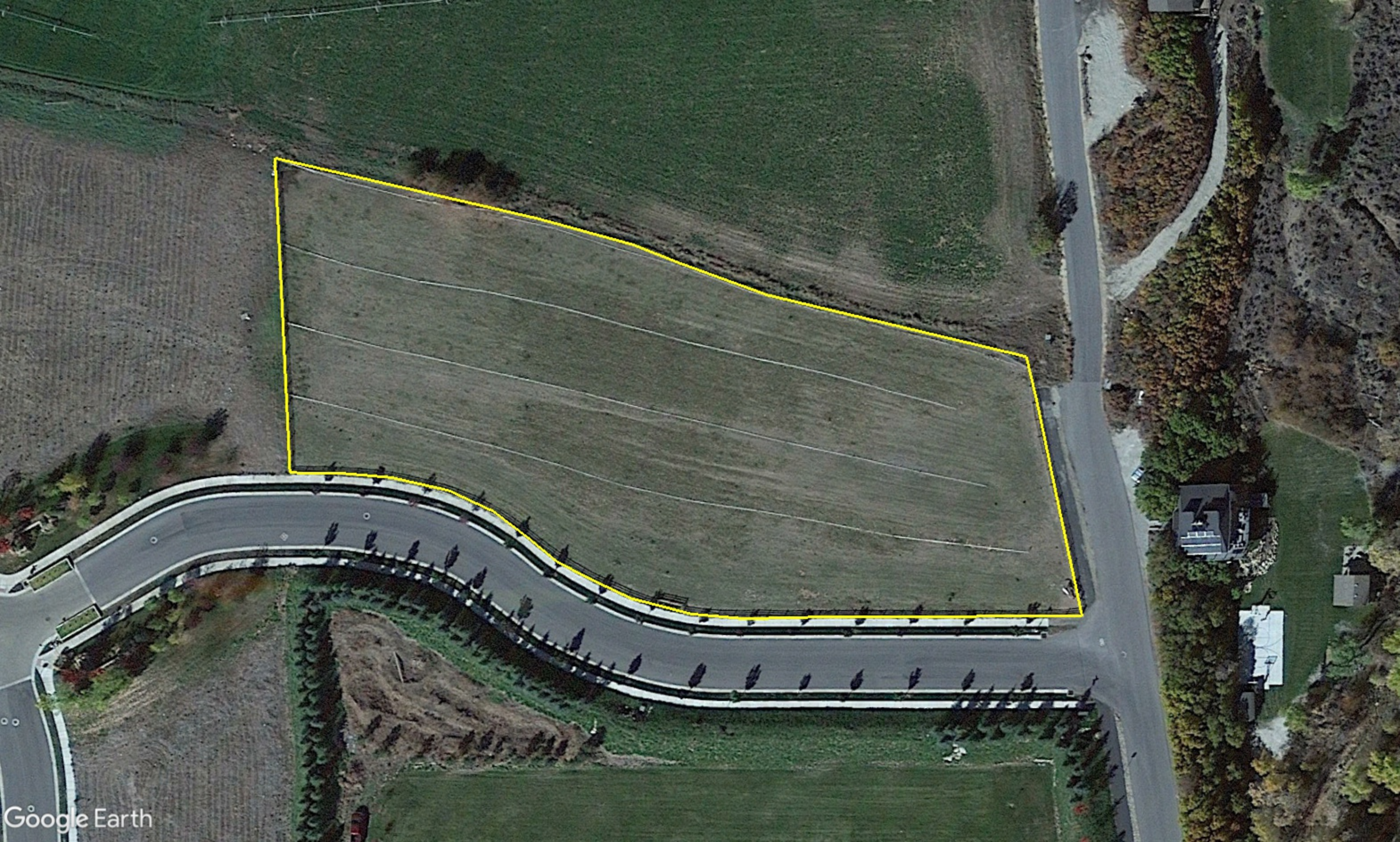
1. Approval (conditional). This action can be taken if the City Council finds there is good cause to approve the proposal.
 - a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed

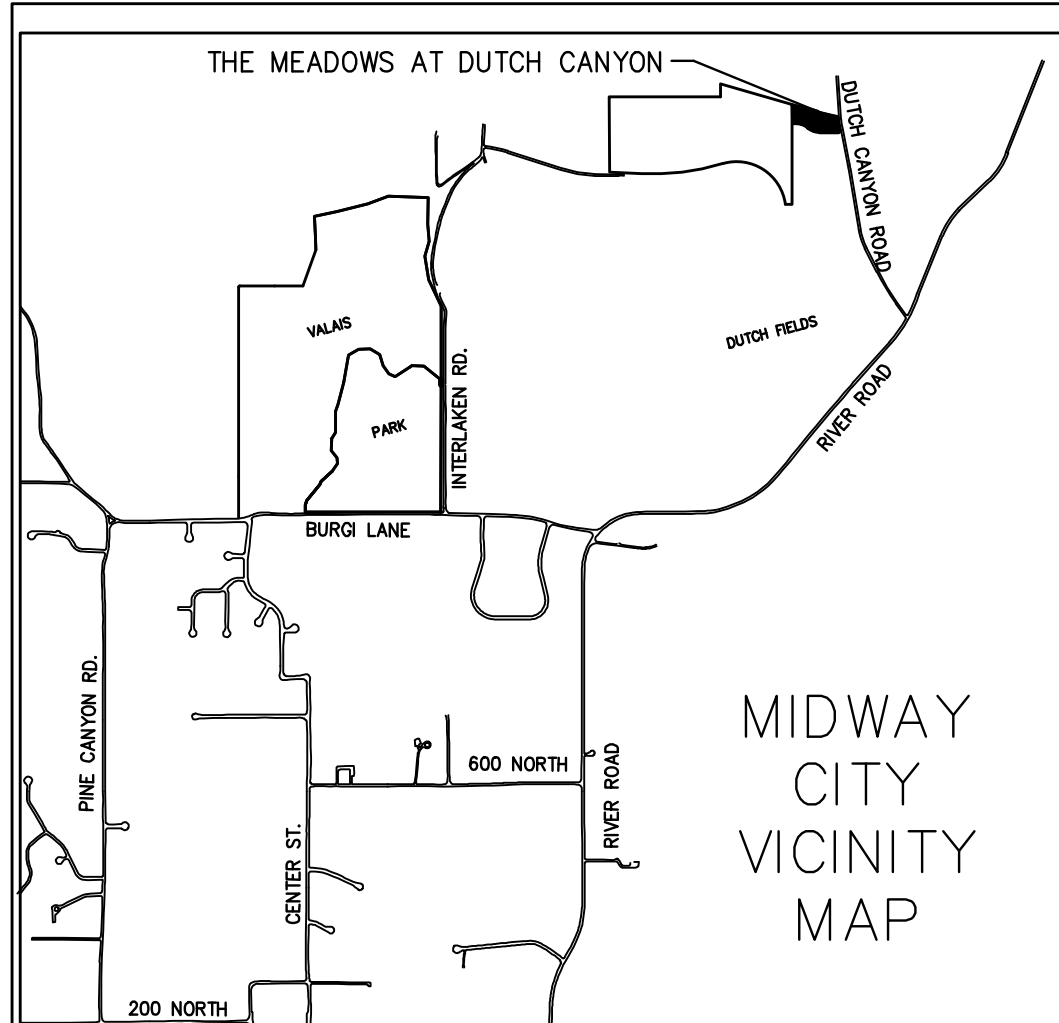
2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council finds that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial









DUTCH CANYON SUBDIVISION PLAT A - LOTS 1&2 AMENDED

ADDRESS TABLE

LOT	ADDRESS
1A	787 EAST DUTCH MOUNTAIN WAY

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, TROY L TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 6854112 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 BELOW)

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 89°39'47" EAST 2021.13 FEET (MEASURED) FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTH 1/4 CORNER OF SECTION 23, AND THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

BOUNDARY DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 OF THE DUTCH CANYON PLAT A SUBDIVISION, SAID POINT BEING LOCATED NORTH 89°39'47" EAST ALONG THE SECTION LINE 2021.13 FEET AND NORTH 1056.65 FEET FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTH 1/4 CORNER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN;

THENCE NORTH 00°52'56" EAST 26.67 FEET; THENCE NORTH 01°08'08" WEST 158.24 FEET; THENCE SOUTH 74°32'43" EAST 36.49 FEET; THENCE SOUTH 80°52'41" EAST 41.83 FEET; THENCE SOUTH 75°39'56" EAST 98.15 FEET; THENCE SOUTH 73°56'53" EAST 78.35 FEET; THENCE SOUTH 54°51'49" EAST 15.18 FEET; THENCE SOUTH 75°51'23" EAST 117.29 FEET; THENCE SOUTH 76°40'42" EAST 66.30 FEET; THENCE SOUTH 04°42'37" EAST 33.97 FEET; THENCE SOUTH 12°51'52" EAST 104.29 FEET; THENCE ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT 26.93 FEET (CENTRAL ANGLE OF 102°51'52" AND A CHORD BEARING SOUTH 38°34'04" WEST 23.46 FEET); THENCE WEST 183.95 FEET; THENCE ALONG THE ARC OF A 176.00 FOOT RADIUS CURVE TO THE RIGHT 120.65 FEET (CENTRAL ANGLE OF 39°16'36" AND A CHORD BEARING NORTH 70°21'49" WEST 118.30 FEET); THENCE NORTH 50°43'24" WEST 6.89 FEET; THENCE ALONG THE ARC OF A 174.00 FOOT RADIUS CURVE TO THE LEFT 116.66 FEET (CENTRAL ANGLE OF 38°24'49" AND A CHORD BEARING NORTH 69°55'48" WEST 114.48 FEET); THENCE NORTH 89°08'13" WEST 37.96 FEET TO THE POINT OF BEGINNING

CONTAINING: 1.87 ACRES

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, EASEMENTS AND HEREBY DEDICATE THOSE AREAS LABELED AS EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

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

SES 260 LLC

ACKNOWLEDGMENT

STATE OF UTAH }
 COUNTY OF WASATCH } S.S.

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 _____ ATTEST _____
 MAYOR CLERK-RECORDER
 (SEE SEAL BELOW)

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

PLANNING COMMISSION APPROVAL

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

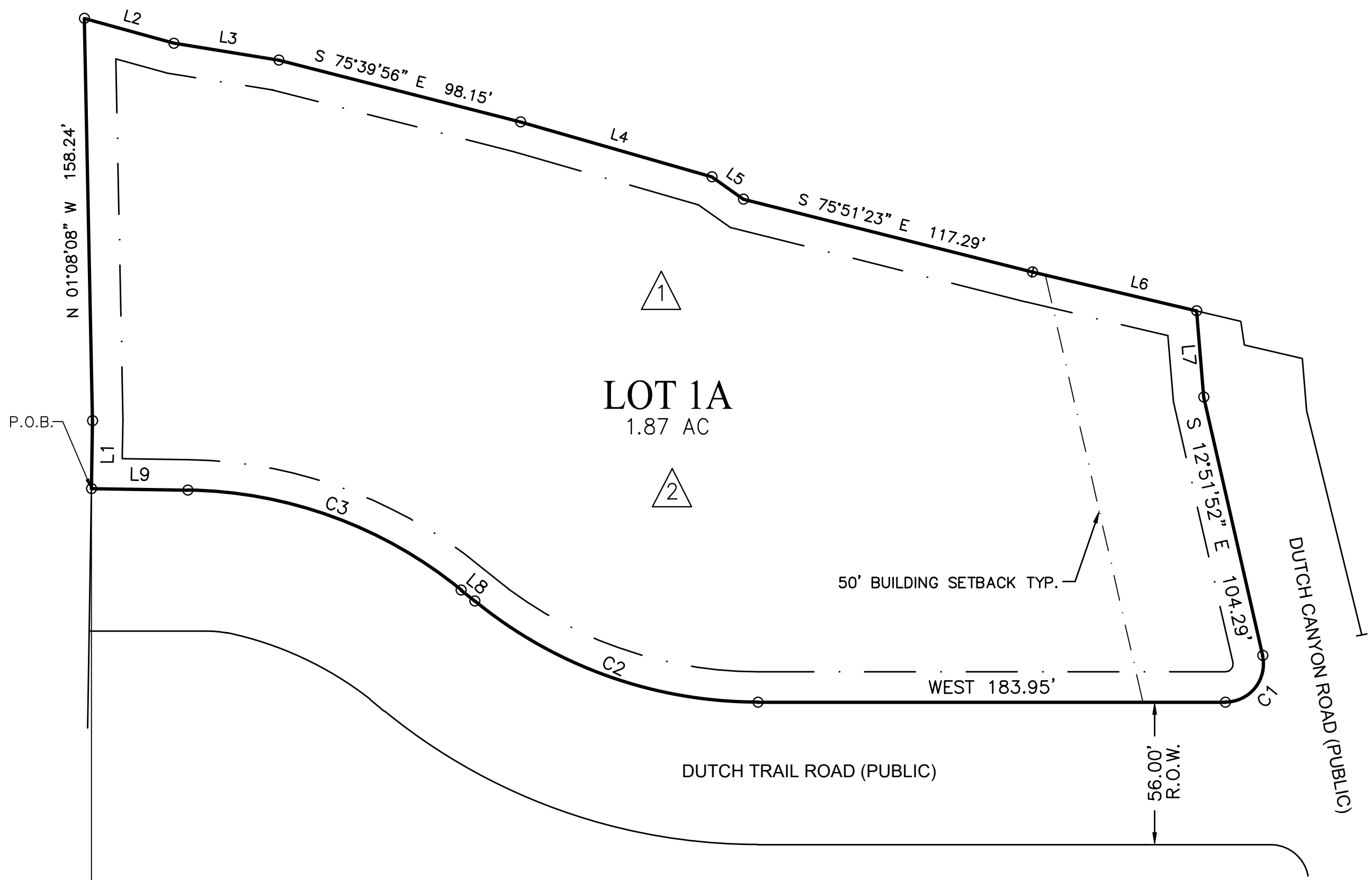
DIRECTOR - SECRETARY CHAIRMAN, PLANNING COMMISSION

DUTCH CANYON SUBDIVISION PLAT A LOTS 1&2 AMENDED

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH
 SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SLB&M

SCALE: 1" = 40 FEET

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



LINE	BEARING	DISTANCE
L1	N 00°52'56" E	26.67'
L2	S 74°32'43" E	36.49'
L3	S 80°52'41" E	41.83'
L4	S 73°56'53" E	78.35'
L5	S 54°51'49" E	15.18'
L6	S 76°40'42" E	66.30'
L7	S 04°42'37" E	33.97'
L8	N 50°43'24" W	6.89'
L9	N 89°08'13" W	37.96'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	26.93'	15.00'	102°51'52"	S 38°34'04" W	23.46'
C2	120.65'	176.00'	39°16'36"	N 70°21'49" W	118.30'
C3	116.66'	174.00'	38°24'49"	N 69°55'48" W	114.48'

PLAT AMENDMENT NOTES

1. LOTS 1 AND 2 HAVE BEEN COMBINED

2. PUBLIC UTILITY EASEMENT BETWEEN LOTS 1 AND 2 HAS BEEN REMOVED.

PLAT NOTES

1. LOT 1 HAS A MINIMUM BUILDING SETBACK OF 50' FROM DUTCH CANYON ROAD, AS SHOWN HEREON.

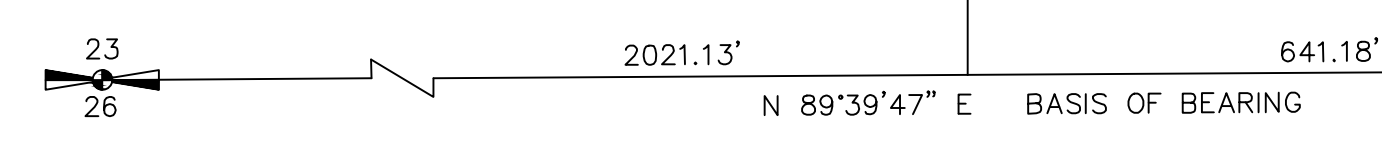
2. LOT 1 IS PROHIBITED FROM DIRECTLY ACCESSING DUTCH CANYON ROAD WITH A DRIVEWAY.

3. THIS LOT IS SUBJECT TO COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED IN WASATCH COUNTY PUBLIC RECORDS.

DUTCH CANYON SUBDIVISION PLAT A LOTS 1&2 AMENDED - 30 MAR 2023

SURVEYOR
 TROY L TAYLOR, PLS
 ELEMENT LAND SURVEYING
 2296 SOUTH 270 EAST
 HEBER CITY, UT 84032
 PHONE (801) 657-8748
 DATE OF SURVEY: OCT 2015

FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTH 1/4 CORNER SECTION 23, T3S, R4E, SLB&M



FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTHEAST CORNER SECTION 23, T3S, R4E, SLB&M

DATE: _____
 MIDWAY IRRIGATION COMPANY

DATE: _____
 MIDWAY SANITATION DISTRICT

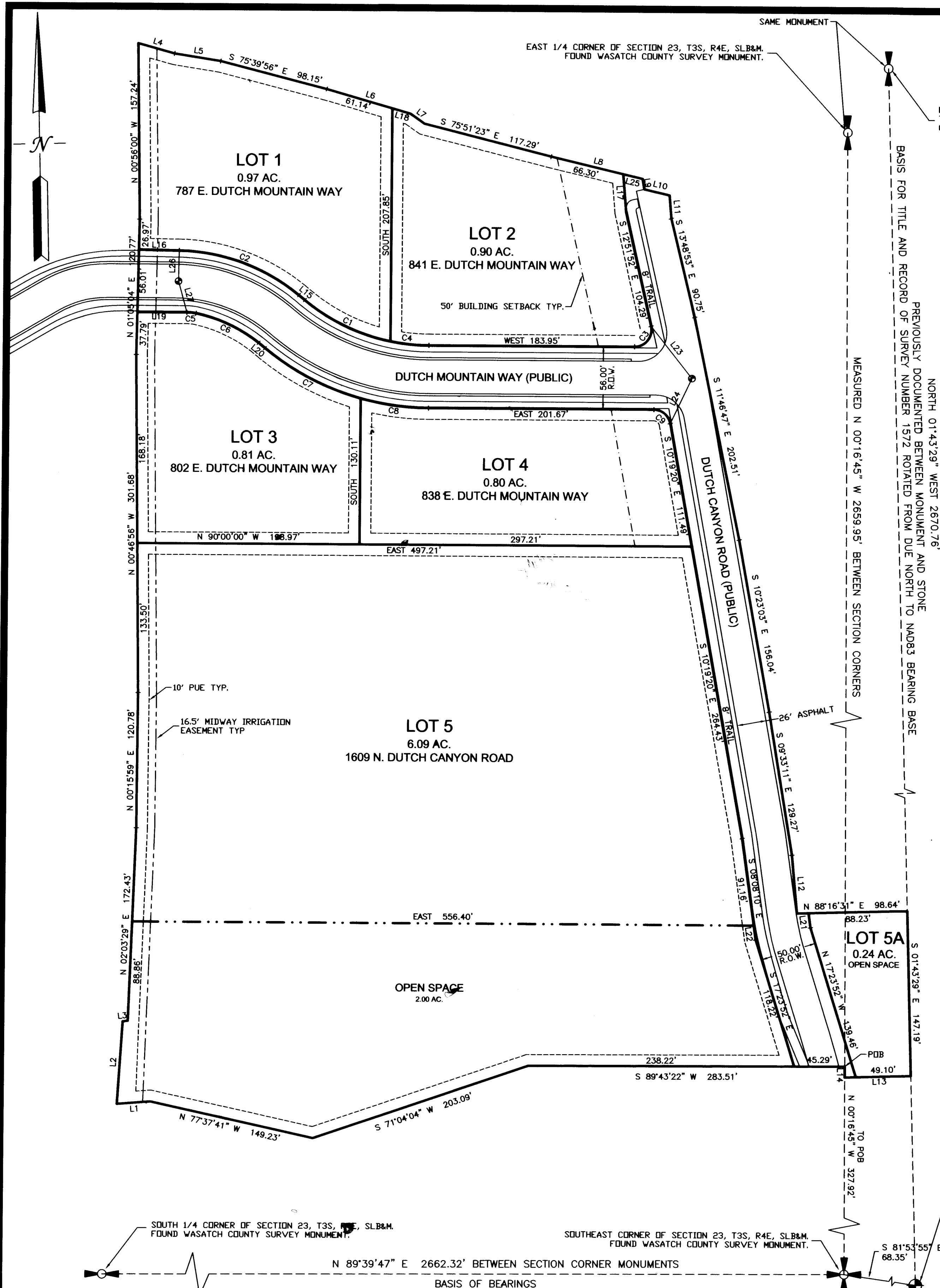
COUNTY RECORDER

COUNTY SURVEYOR'S CERTIFICATE

APPROVED AS TO FORM ON THIS DAY OF _____, 20____

ROS# _____

COUNTY SURVEYOR



BOUNDARY DESCRIPTION
 BEGINNING NORTH 00°16'45" WEST 327.93 FEET ALONG THE SECTION LINE FROM THE WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89°43'22" WEST 283.51 FEET; THENCE SOUTH 71°04'04" WEST 203.09 FEET; THENCE NORTH 77°37'41" WEST 149.23 FEET; THENCE SOUTH 85°36'15" WEST 29.98 FEET; THENCE NORTH 03°34'50" EAST 73.61 FEET; THENCE NORTH 83°26'56" EAST 4.66 FEET; THENCE NORTH 02°03'29" EAST 172.43 FEET; THENCE NORTH 00°15'59" EAST 120.77 FEET; THENCE NORTH 00°46'58" WEST 301.68 FEET; THENCE NORTH 01°05'04" EAST 120.77 FEET; THENCE NORTH 00°56'00" WEST 157.24 FEET TO THE CENTERLINE OF A DITCH; THENCE SOUTHEASTERLY ALONG SAID DITCH THE FOLLOWING 7 COURSES: (1) SOUTH 74°32'43" EAST 33.77 FEET; (2) SOUTH 80°52'41" EAST 41.83 FEET; (3) SOUTH 75°39'56" EAST 98.15 FEET; (4) SOUTH 73°56'53" EAST 78.35 FEET; (5) SOUTH 54°51'49" EAST 15.18 FEET; (6) SOUTH 75°51'23" EAST 117.29 FEET; (7) SOUTH 76°40'42" EAST 84.20 FEET; THENCE SOUTH 08°58'43" EAST 9.36 FEET; THENCE SOUTH 76°55'29" EAST 23.40 FEET; THENCE SOUTH 04°42'37" EAST 20.69 FEET; THENCE SOUTH 13°48'53" EAST 90.75 FEET; THENCE SOUTH 11°46'47" EAST 202.51 FEET; THENCE SOUTH 10°23'03" EAST 156.04 FEET; THENCE SOUTH 09°33'11" EAST 129.27 FEET; THENCE SOUTH 05°19'13" EAST 52.22 FEET; THENCE NORTH 88°16'31" EAST 98.64 FEET; THENCE SOUTH 11°43'29" EAST 147.19 FEET ALONG THE PREVIOUSLY DOCUMENTED SECTION LINE; THENCE SOUTH 88°16'31" WEST 59.04 FEET; THENCE NORTH 00°16'45" WEST 9.69 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.
 CONTAINING 11.23 ACRES.

BASIS OF BEARINGS
 THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 89°39'47" WEST BETWEEN WASATCH COUNTY SURVEY MONUMENTS LOCATED AT THE SOUTHEAST AND SOUTH ONE-QUARTER CORNERS OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, IN CONFORMANCE WITH UTAH COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

SURVEYOR'S CERTIFICATE
 IN ACCORDANCE WITH SECTION 10-90-603 OF THE UTAH CODE, I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 145796 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 SECTIONS 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

OWNER'S DEDICATION AND CONSENT TO RECORD
 KNOW ALL MEN BY THESE PRESENTS THAT SWEET MANGO LLC, THE UNDERSIGNED OWNER OF THE TRACT OF LAND SHOWN AND DESCRIBED ON THIS PLAT, HAS CAUSED THE SAME TO BE SUBDIVIDED INTO RESIDENTIAL LOTS, TOGETHER WITH EASEMENTS TO BE HEREAFTER KNOWN AS THE MEADOWS AT DUTCH CANYON, AND DOES HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PUBLIC RIGHTS-OF-WAY SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.
 EXECUTED THIS 12TH DAY OF DECEMBER, 2016.
 BY: *[Signature]* Sweet Mango Lane, LLC.
 NAME: Jeremy Pope
 ITS: Manager

ACKNOWLEDGEMENT
 STATE OF UTAH
 COUNTY OF WASATCH
 ON THIS 12 DAY OF DEC, 2016 PERSONALLY APPEARED BEFORE ME, 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 COMPANY FOR THE PURPOSES MENTIONED AND THAT SAID COMPANY EXECUTED THE SAME.

WASATCH COUNTY RECORDER
 ENTRY # 437203 BOOK 1188 PAGE 8101-810
 DATE 4-19-2017 TIME 11:15 AM FEE 310.00
 FOR PACIFIC R.I.M. INVESTMENTS LLC
 BY LA WASATCH COUNTY RECORDER PEGGY FOY SULLER

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	85.78	1176.00	2725.27	S 64°41'07" E	84.93
C2	116.66	174.00	3824.49	S 69°55'46" E	114.48
C3	26.93	15.00	102°51'52"	N 38°34'04" E	23.46
C4	34.87	176.00	117°21'10"	S 84°19'25" E	34.82
C5	8.15	45.06	102°11'58"	N 84°50'45" W	8.14
C6	62.59	137.33	26°06'58"	N 65°08'36" W	62.05
C7	97.52	232.00	24°05'00"	N 62°45'54" W	96.80
C8	61.52	232.00	151°15'37"	N 82°24'12" W	61.34
C9	20.86	15.00	79°40'40"	N 50°09'40" W	19.22

LINE TABLE

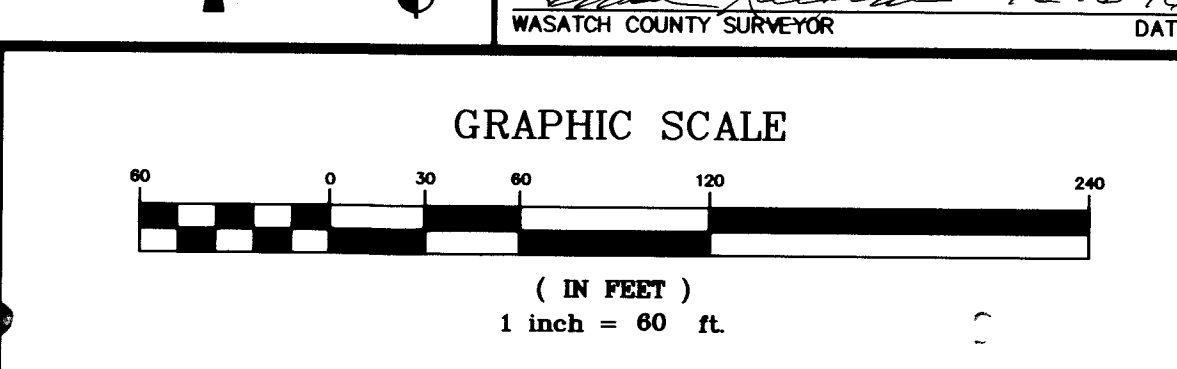
LINE	BEARING	DISTANCE
L1	S 85°36'15" W	29.98
L2	N 03°34'50" E	73.61
L3	N 83°26'56" E	4.66
L4	S 74°32'43" E	33.77
L5	S 80°52'41" E	41.83
L6	S 75°39'56" E	98.15
L7	S 54°51'49" E	15.18
L8	S 75°51'23" E	117.29
L9	S 08°58'43" E	9.36
L10	S 76°55'29" E	23.40
L11	S 04°42'37" E	20.69
L12	S 13°48'53" E	90.75
L13	S 11°46'47" E	202.51
L14	N 00°16'45" W	9.69
L15	S 05°19'13" E	52.22
L16	N 88°16'31" E	98.64
L17	S 04°42'37" E	15.18
L18	S 75°51'23" E	117.29
L19	S 88°16'31" W	59.04
L20	S 00°16'45" W	11.23
L21	S 08°08'10" E	13.00
L22	S 08°08'10" E	12.74
L23	S 38°33'01" E	59.25
L24	S 25°18'45" W	44.58
L25	S 76°40'42" E	17.90
L26	S 00°16'45" W	9.69
L27	S 00°16'45" W	9.69
L28	N 15°20'23" W	29.01

PLAT NOTES

- THE DENOTED OPEN SPACE AREAS (LOT 5A AND THE 2.0 ACRES ON PARCEL 5) ARE PRIVATELY OWNED. PER MIDWAY CITY CODE, THESE OPEN SPACE AREAS ARE DESIGNATED AS UNBUILDABLE AREAS PERMANENTLY PRESERVED AS OPEN SPACE PURSUANT TO THE STANDARDS SPECIFIED IN TITLE 16.16.10. IT IS ANTICIPATED THAT LOT 5A WILL REMAIN AS UNDISTURBED NATURAL VEGETATION, AND THAT THE 2.0 ACRES ON LOT 5 WILL BE MAINTAINED IN AGRICULTURAL CONDITIONS (PASTURE, HAY, GARDEN, ORCHARD, ETC.).
- LOTS 2 AND 4 HAVE A MINIMUM BUILDING SETBACK OF 50-FT FROM DUTCH CANYON ROAD, AS SHOWN HEREON.
- LOTS 2 AND 4 ARE PROHIBITED FROM DIRECTLY ACCESSING DUTCH CANYON ROAD WITH A DRIVEWAY.
- LOT 5A DOES NOT HAVE A DEVELOPMENT RIGHT AND CANNOT BE BUILT UPON.
- THESE LOTS ARE SUBJECT TO COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED IN WASATCH COUNTY PUBLIC RECORDS.

Summit Engineering Group Inc.
 55 WEST CENTER

PROJECT NO.: L16-136
 DRAWN BY: DMK
 REVIEWED BY: MPJ
 APPROVED BY: BC
 PRINT DATE: 12/1/2016



THE MEADOWS AT DUTCH CANYON
 MIDWAY CITY, UTAH

FINAL SUBDIVISION PLAT
 LOCATED IN SE 1/4 SECTION 23, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SLB&M
 MIDWAY CITY, UTAH

SHEET NO. 1