

#### PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** December 10, 2024

NAME OF PROJECT: Whispering Creek Subdivision

**NAME OF APPLICANT:** Berg Engineering

**OWNER OF RECORD:** Cari Lane LLC and Jeremy Clark

AGENDA ITEM: Preliminary Approval

**LOCATION OF ITEM:** 515 Cari Lane

**ZONING DESIGNATION:** R-1-15

#### ITEM: 4

Berg Engineering, representative for MKR Properties LLC, has submitted a final application for a large-scale subdivision to be known as Whispering Creek Subdivision. The final plan includes seven lots on 4.54 acres. The property is in the R-1-15 zone at approximately 515 West Cari Lane.

#### **BACKGROUND:**

This request is for preliminary approval of a large-scale subdivision on 4.54 acres and will contain seven lots. The seven lots proposed in the subdivision will obtain frontage along a new road built within the subdivision. The property is in the R-1-15 zone and all lots in the subdivision comply with the requirements of the code regarding frontage and

acreage. The proposed subdivision will combine two parcels (OMI-0186-0 and OMI-0550-0) and the Cosper Subdivision. The Cosper Subdivision is a one lot plat that was recorded 5-31-2017. The plat will need to be vacated before the proposed subdivision may be recorded, which requires approval by the City Council. There is one dwelling on the property that will be on lot 2 in the Whispering Creek Subdivision.

This property was originally proposed for a subdivision in 2020 and was reviewed by both the Planning Commission and the City Council. It was discovered through the review process that some alterations were made by the applicant to the floodplain and wetlands on the property. The City Council continued the item until outstanding issues could be addressed which included restoring the FEMA floodplain and wetlands back to their original condition.

The applicant has submitted several documents, which are available for review in the Planning Office, that address the restoration of the floodplain and the wetlands on the property among other required documents. These include the following:

- Wetlands Disturbance Restoration Letter from Frontier Environmental Consultants
- Whispering Creek Geotechnical Report by Gordon
- Whispering Creek Wetlands Report & Request for Aquatic Resources Restoration
- Whispering Creek Lot 3 Floodplain Study for Proposed Bridge Report
- Stream Alteration Permit for the vehicular bridge to Lot 3 for the sewer lateral and culinary water lateral
- Army Corps of Engineer approval of the wetlands delineation on the property
- A letter verifying that the FEMA Floodplain has been restored to its original condition

#### LAND USE SUMMARY:

- 4.54-acre property (per the application)
  - $\circ$  OMI-0186-0 1.22 acres
  - $\circ$  OMI-0550-0 2.25 acres
  - o Cosper Subdivision 1.57 acres
- R-1-15 zoning
- Proposal contains seven lots
- Access from Cari Lane
- Sensitive lands are present including floodplain and wetlands
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

#### **ANALYSIS:**

Access – Access will be from Cari Lane. A second access is not required because the cul-de-sac is less than 1,300' in length and there are not more than 11 lots in the subdivision. The new road will create a four-way intersection on Cari Lane and 520 West which accesses the Lodges at Snake Creek.

Geotechnical Study – A Geotechnical Study has been submitted to the City and is available for review in the Planning Office. A copy of the entire report is available in the Planning Office for review.

Sensitive lands – There are wetlands and FEMA floodplain areas in the proposed subdivision area. A wetland map has been submitted to the City along with a wetlands delineation and inventory investigation. The code requires a 25' buffer area for any structures and disturbance from any delineated wetlands. The buffer area has been included in the plans. The study has been submitted to the City and to the US Army Corp. of Engineers for their review and approval. The US Army Corp has approved the wetlands delineation.

The proposal includes FEMA flood zone areas including Zone AE (1% chance annual flood) which requires a 50' setback. The 50' setback has been marked on the plans from Zone AE. No structures may be located in this area, but the setback area may be filled and landscaped. Landscaping is allowed in the FEMA flood area, but nothing is allowed that will modify the FEMA flood zone, this includes not placing rocks or fill of any type in this area that impacts the topography of the floodplain. There is area in the subdivision that is designated Zone X which is area of the 500-year flood (0.2% annual chance flood) and is considered a low-risk area but there is flooding potential. Flood insurance is not federally required but it is recommended in the Zone X area. A note should be placed on the plat that advises future owners of lots 2, 4, and 5 of the potential flood hazards from a 500-year chance flood.

*Water Connection* – The lots will connect to water lines that will be built by the developer and connect to the City's water lines along Cari Lane.

Sewer Connection – The lots will connect to Midway Sanitation District's sewer lines located in the area. There is a sewer lateral that crosses the property from the home at 465 West Cari Lane. The proposed plan is to reroute the lateral to the new sewer main that will be built under the new road in the subdivision. The location of the lateral will be required to be shown on the plat.

Secondary Water Connection – The lots will connect to Midway Irrigation Company's secondary water system which is already servicing the property. Laterals will be created for all seven lots. Secondary water meters are required for each lateral.

*Trails* – There are no planned trails on the Trail System Master Plan in the proposal area. 5' sidewalks will be included on both sides of the proposed street and around the cul-de-sac.

*Public Street* – The developer will build the proposed road that will create access and frontage for the development. The right-of-way will be 56' wide except where it will extend at the bulb of the cul-de-sac to 90'. The street will be 26', with modified curb, 8' park strips, and 5' sidewalks.

Open Space – Because the property is less than six acres there is not an open space requirement. The proposed plan does include common area on both sides of the road that will be built to access the subdivision where it connects with Cari Lane. A Homeowners' Association will need to be created to manage the common area.

100' Setback Requirement – The subdivision code requires a 100' setback from the edge of the right-of-way from Cari Lane for any structures. The setback line will be noted on the plat so no structures, including accessory structures, are placed in this area.

Lot 3 Access – The driveway for lot 3 will cross Snake Creek and a Stream Alteration Permit and a Zero Rise Analysis is required for the crossing. The developer must build the crossing to lot 3 as part of the subdivision infrastructure.

Existing Dwelling – The existing dwelling that will be located on Lot 2 is nonconforming to the current code regarding the 50' setback required from the AE floodplain. If the dwelling is demolished, the new structure will need to comply with the required 50' setback from the floodplain as shown on the plat. If an addition is added to the existing dwelling, the new addition must comply with the 50' setback from the floodplain as shown on the plat.

Existing Accessory Structures – The existing accessory structures of the proposed lot 2 must comply with the required setbacks for the proposed road. The structures must either be removed or be moved to a location that complies with code requirements before the plat is recorded.

Building Pads – Normally building pads are not shown on Midway subdivision plats but staff feels that they could be helpful in the proposed development. The development is in an area with sensitive land that has special setback requirements. This could be confusing to future lot owners. It would be much easier for them to see the dwelling setbacks on the plat. If a building pad is shown on the plat, it would be specifically for dwellings and not for accessory structures since setbacks for accessory structures are different than for dwellings.

#### WATER BOARD RECOMMENDATION:

The Water Board has recommended that 6.8-acre feet are tendered to the City before the recording of the plat based on the formula below. The Water Board also recommended secondary water meters are installed on each lot.

- 4.54-acre parcel (197,762 sq. ft.)
  - Irrigated area
    - Lots 162,231 sq. ft. (3.72 acres)
    - Park strip -8,276 sq. ft. (0.19 acres)
    - Common area -5,896 sq. ft. (0.14 acres)
  - Impervious area for lots
    - 56,000 sq. ft. (7 x 8,000)
  - Total irrigated acreage
    - $2.76 \times 3 = 8.28$ -acre feet
- 7 culinary connections
  - 5.6-acre feet (7 x .8)
- Credits
- Cosper 6 acre feet
- Existing dwelling 1.5 acre feet
- 13.9 acre feet requirement
- 6.4 acre feet (13.9 6 1.5 = 6.4)

#### **POSSIBLE FINDINGS:**

- The proposal does meet the intent of the General Plan for the R-1-15 zone
- The proposal does comply with the land use requirements of the R-1-15 zone
- Sensitive lands on the property and setbacks will be included on the plat along with notes informing future lot owners of any risk
- The City has received approval of the wetlands study by the Army Corps of Engineers
- A stream alteration permit is required for the driveway crossing on lot 3

#### **ALTERNATIVE ACTIONS:**

- 1. <u>Recommendation for Approval (conditional)</u>. This action may 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. <u>Continuance</u>. This action may 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. <u>Recommendation for Denial</u>. This action may be taken if the Planning Commission finds the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

#### PROPOSED CONDITIONS:

- 1. A note shall be placed on the plat that advises future owners of lots 2, 4 and 5 of the potential flood hazards from a 500-year flood.
- 2. The developer must build the driveway crossing in lot 3 as part of the subdivision infrastructure.
- 3. The plans must be updated to show the common area that borders Cari Lane in the plan submittal for final approval.
- 4. The existing accessory structures of the proposed lot 2 must either be removed or be moved to a location the complies with code requirements before the plat is recorded.

5. An advisory notice must be noted on the plat and recorded on Lots 2, 3, and 4 regarding the AE floodplain on the lots. The document will explain the limitations of what is allowed in the floodplain. The document will have language similar to the following: Landscaping is allowed in the FEMA AE flood area which includes planting grass, plants, and trees, but nothing is allowed that will modify the FEMA flood zone, this includes not grading or placing rocks or fill of any type in this area that impacts the topography of the floodplain.

# **Midway City Corporation**

Mayor: Celeste T. Johnson City Council Members Lisa Orme • Jeffery Drury J.C. Simonsen • Craig Simons Kevin Payne



75 North 100 West P.O. Box 277 Midway, Utah 84049 Phone: 435-654-3223 Fax: 435-654-4120

midwaycityut.org

December 10, 2024

Michael Henke Midway City Planner 75 North 100 West Midway, Utah 84049 (sent via E-mail)

**Subject:** Whispering Creek Estates – Final Review

#### Dear Michael:

We recently reviewed Whispering Creek Estates for Final Review. The proposed subdivision is located at approximately 515 West Cari Lane. The proposed subdivision consists of 7 lots. The following items should be addressed.

#### General Comments

- The roads, culinary water, pressurized irrigation system, and storm drain systems within this development will be public infrastructure and maintained by Midway City.
- All red-line comments should be addressed before final submittal to City Council.

#### Water

- The proposed development will be served from the Cottages on the Green pressure zone.
- The water line will connect to the existing 12" water line in Cari Lane.

#### Roads

• The proposed road within the development will be a 56'public right-of-way, with a cul-de-sac at the south end of the development.

#### Trails:

• There are no proposed trails located within the subdivision. There will be a five-foot sidewalk on each side of the proposed road.

#### Storm Drain

• The storm water within the proposed development is public and will be collected and retained onsite with catch basins and a retention basin.

E:\Midway City\City Developments\Whispering Creek Estates\2024 Plans\Preliminary Application\Whispering Creek Final Approval.doc

#### Sensitive Lands

- The development contains floodplains and wetlands.
- A wetland delineation has been submitted to the Army Corp.
- The 25 foot setbacks shall be maintained around all delineated wet lands, as approved by the Corp.
- The 50' setbacks shall be maintained around all FEMA flood Zones.

#### Sewer

• Preliminary & Final Approval must be received from Midway Sanitation District Board prior to installing sanitation infrastructure. The applicant should contact Becky Wood, with the Midway Sanitation District to apply for an application to be on the District's Board meeting agenda.

Please feel free to call our office with any questions.

Sincerely,

Wesley Johnson, P.E. Midway City Engineer

cc: Paul Berg,

Berg Engineering (Sent by Email)

# **Midway City Corporation**

Mayor: Celeste T. Johnson
City Council Members
Lisa Christen • Jeffery Drury
J.C. Simonsen • Steve Dougherty
Kevin Payne



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midwaycityut.org

# Whispering Creek Subdivision Final Approval

December 2, 2024

Michael Henke Midway City Planning Director,

I have reviewed the plan for Whispering Creek Subdivision for compliance with the 2021 International Fire Code (2021 IFC) for final approval. I have no fire code concerns for the final plan for Whispering Creek Subdivision.

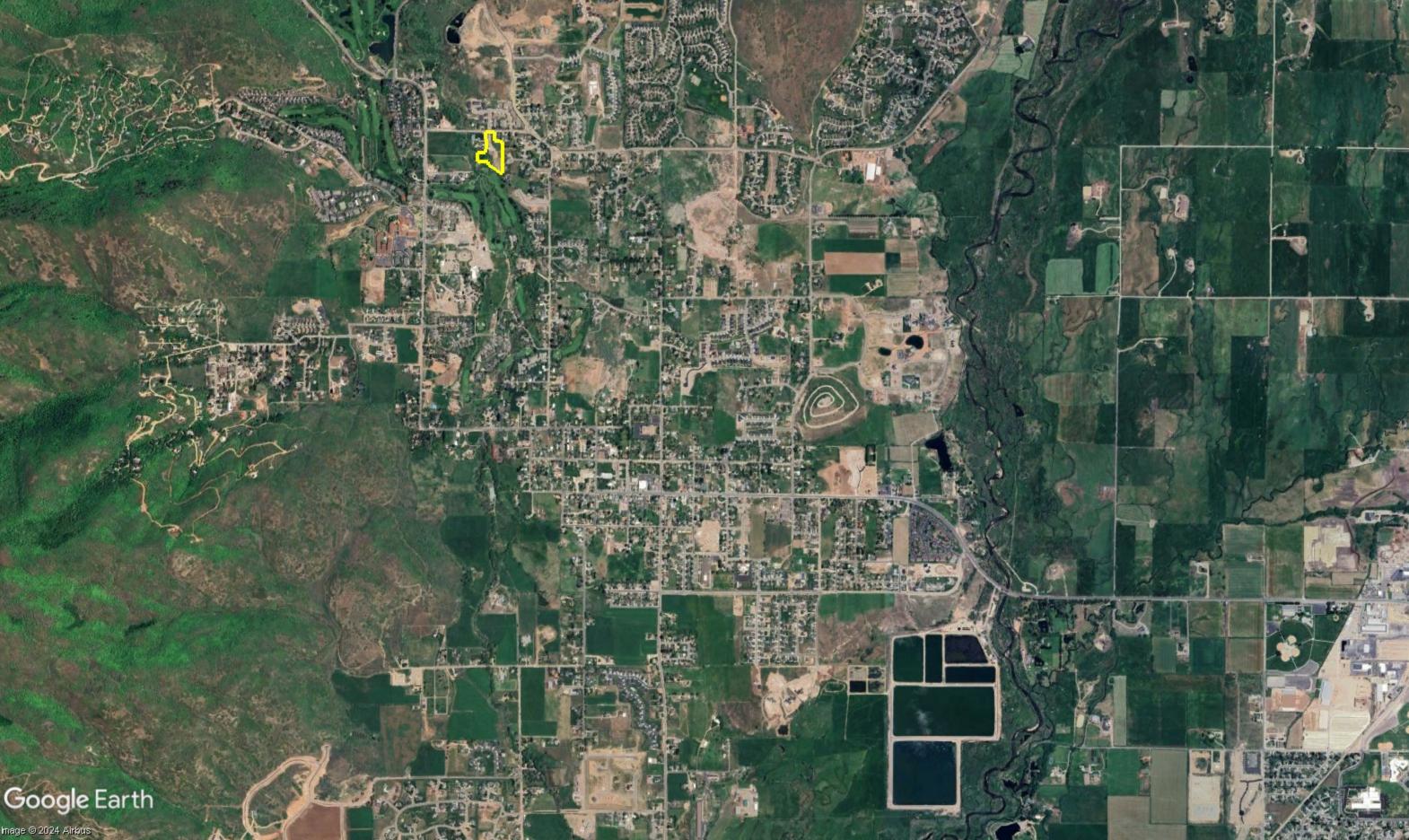
Tex R. Couch CBO/MCP

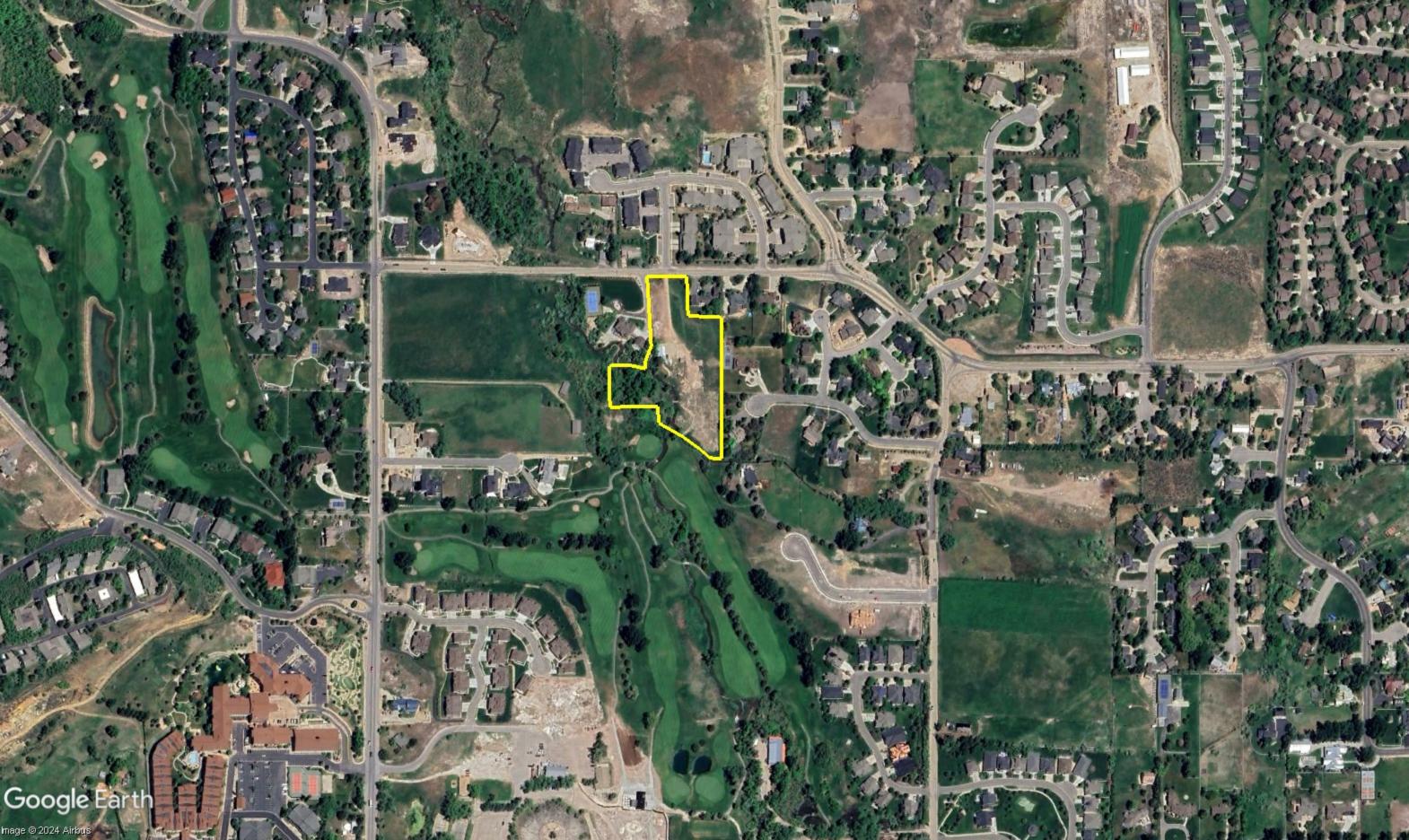
Midway City Building Official/Fire Marshal

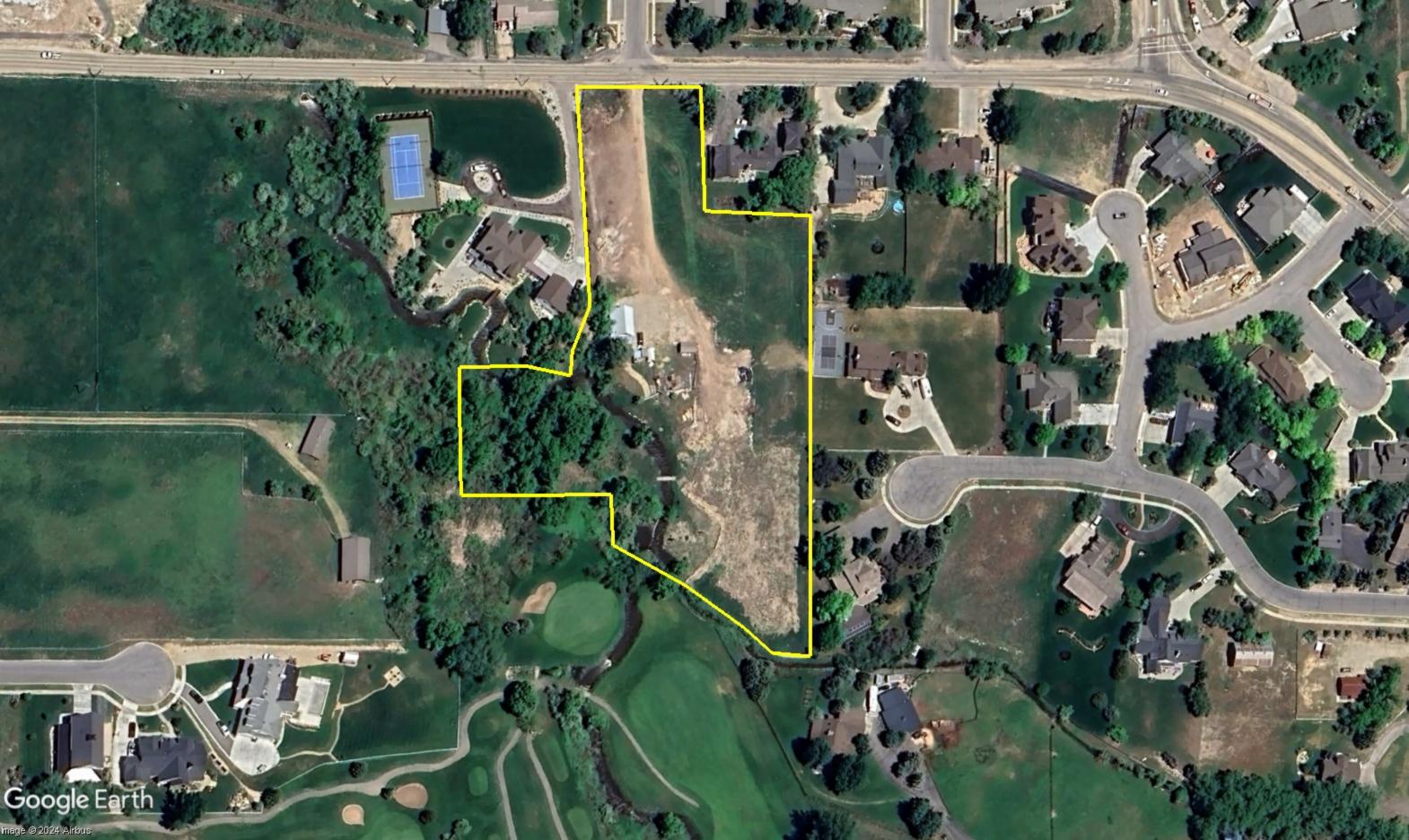
75 West 100 North Midway, Utah 84049

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(435)654-3223 Ext. 107

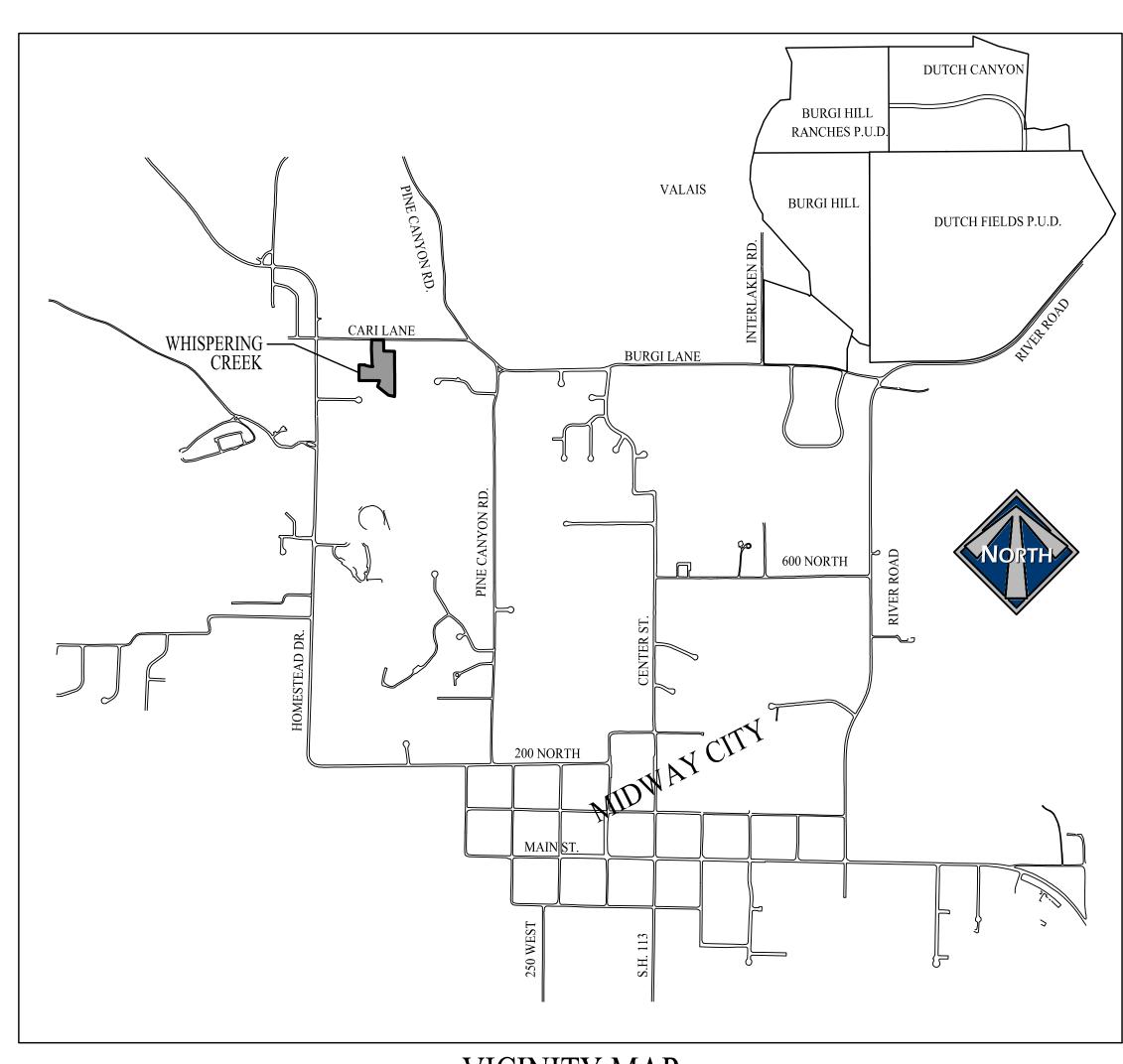






# WHISPERING CREEK

# FINAL APPLICATION



VICINITY MAP

# SHEET INDEX

- EXISTING CONDITIONS AND SENSITIVE LANDS MAP
- 2. SITE PLAN
- 3. SUBDIVISION PLAT
- ROAD PLAN AND PROFILE
- ROAD CONSTRUCTION DETAILS
- 6. UTILITY PLAN
- SEWER PLAN AND PROFILE
- SEWER CONSTRUCTION DETAILS
- 9. WATER PLAN
- 10. PRESSURIZED IRRIGATION PLAN
- 11. WATER AND P.I. CONSTRUCTION DETAILS
- 12. STORM DRAIN PLAN
- 13. STORM DRAIN PLAN AND PROFILE
- 14. STORM DRAIN CONSTRUCTION DETAILS
- 15. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)
- 16. LOT 3 DRIVEWAY PRECAST BRIDGE DETAILS

LANDSCAPE PLAN

LANDSCAPE DETAILS

IRRIGATION PLAN

IRRIGATION DETAILS

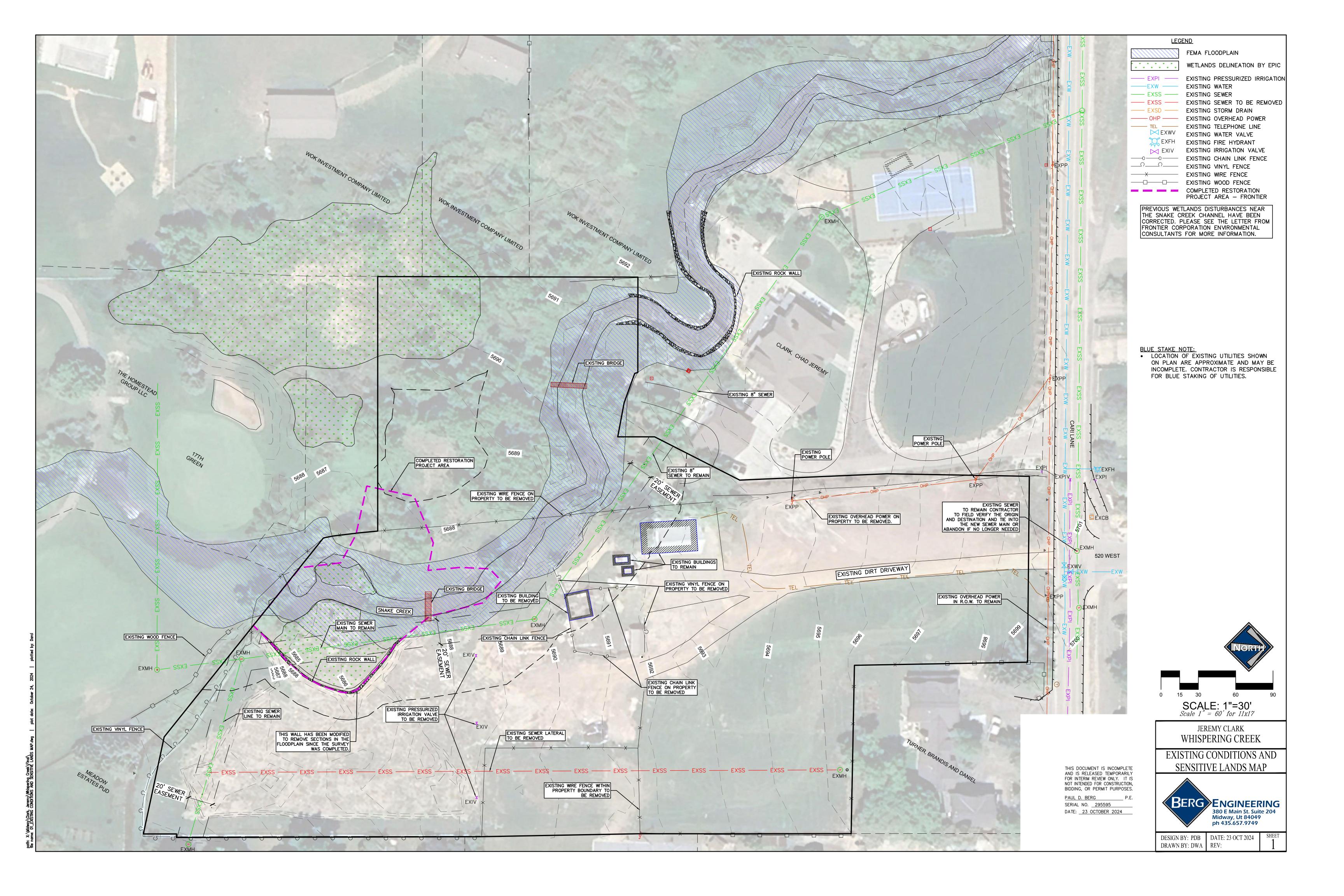
JEREMY CLARK WHISPERING CREEK

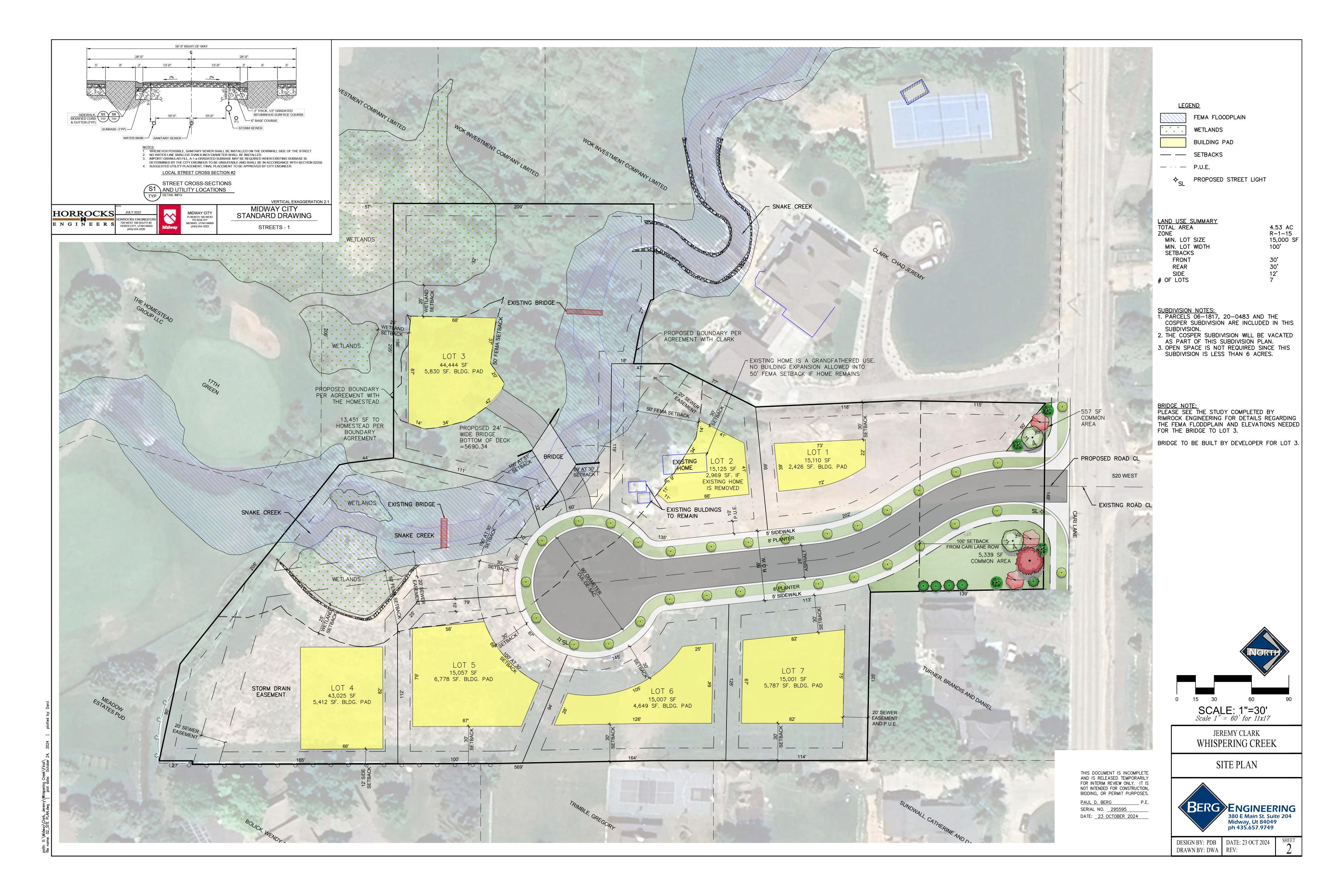
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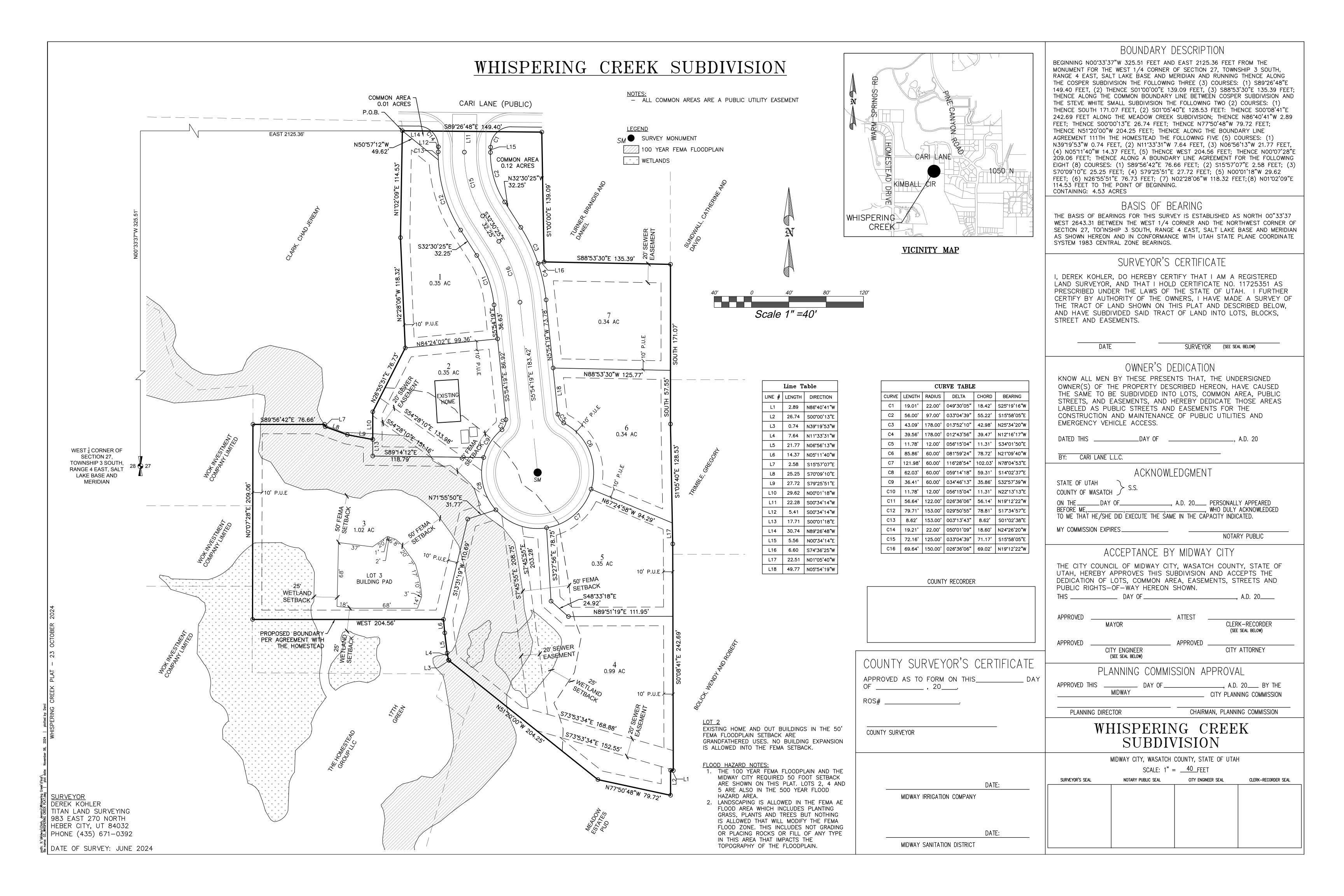


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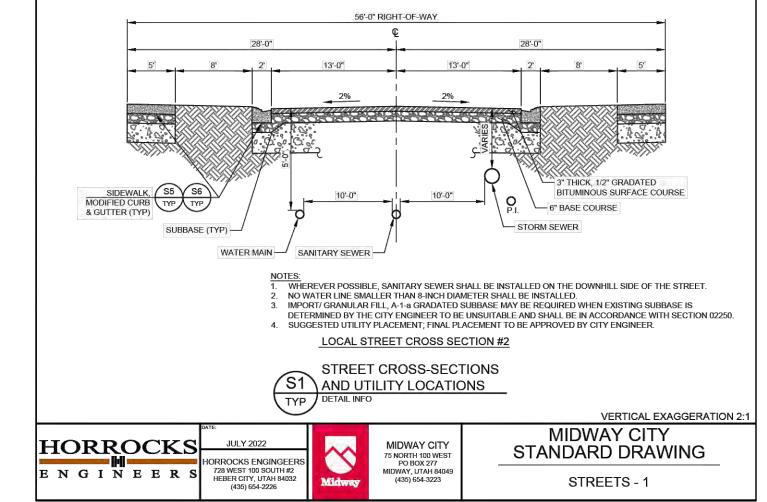
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<u>LEGEND</u> FEMA FLOODPLAIN WETLANDS BUILDING PAD SETBACKS PUBLIC UTILITY EASEMENT (P.U.E.) EXISTING WOODEN FENCE ——× ——× — EXISTING WIRE FENCE EXISTING PRESSURIZED IRRIGATION EXISTING WATER EXISTING SEWER EXISTING STORM DRAIN EXISTING OVERHEAD POWER PROPOSED 6" PRESSURIZED IRRIGATION PROPOSED 8" WATER PROPOSED 8" SEWER PROPOSED 18" STORM DRAIN PROPOSED 1" WATER METER PROPOSED FIRE HYDRANT PROPOSED STREET LIGHT

BLUE STAKE NOTE:

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

# SEWER NOTES:

 ALL SEWER IMPROVEMENTS SHALL MEET MIDWAY SANITATION DISTRICT STANDARDS & SPECIFICATIONS.

#### WATER NOTES:

 ALL WATER IMPROVEMENTS SHALL MEET MIDWAY CITY STANDARDS AND SPECIFICATIONS.

ALL LOTS WILL HAVE A 1" WATER SERVICE.

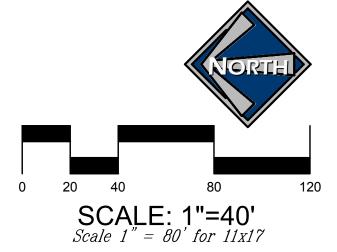
# PRESSURIZED IRRIGATION NOTES:

 ALL PRESSURIZED IRRIGATION IMPROVEMENTS SHALL MEET MIDWAY IRRIGATION COMPANY STANDARDS & SPECIFICATIONS.

 ALL PRESSURIZED IRRIGATION MAIN SHALL BE C-900 DR-18 PURPLE PIPE.

# STORM DRAIN NOTES:

 ALL STORM DRAIN CONSTRUCTION TO MEET MIDWAY CITY STANDARDS.



JEREMY CLARK
WHISPERING CREEK

ROAD PLAN & PROFILE STA 0+00 - 4+65

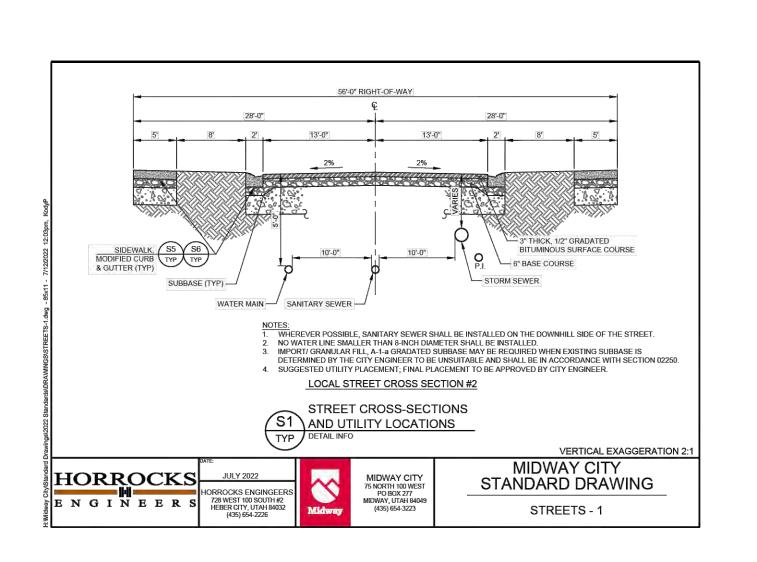
BERG ENGINEERING
380 E Main St. Suite 204
Midway, Ut 84049
ph 435.657.9749

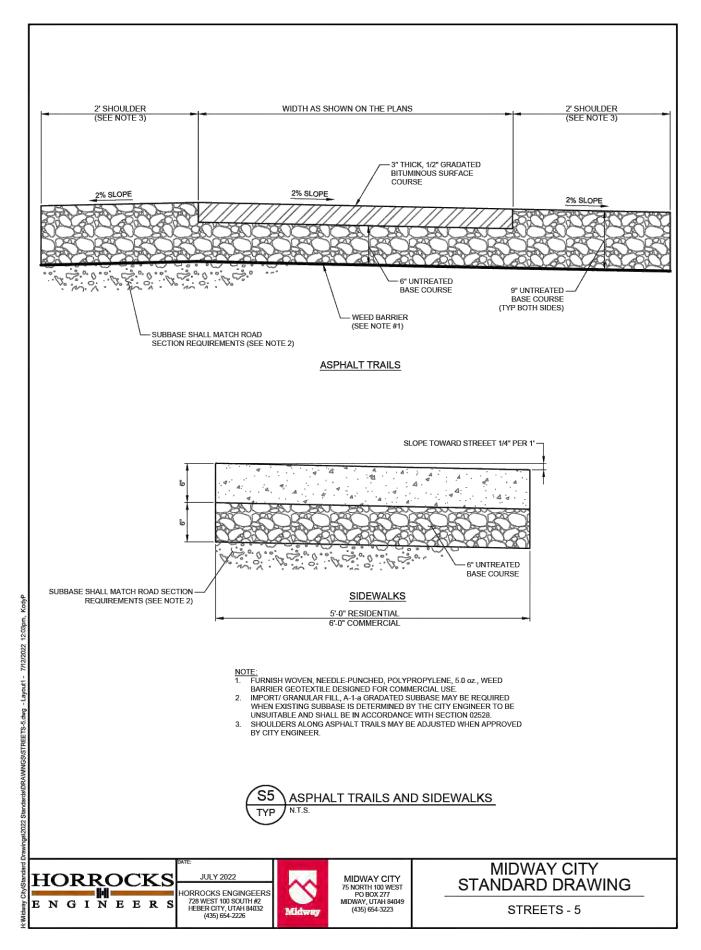
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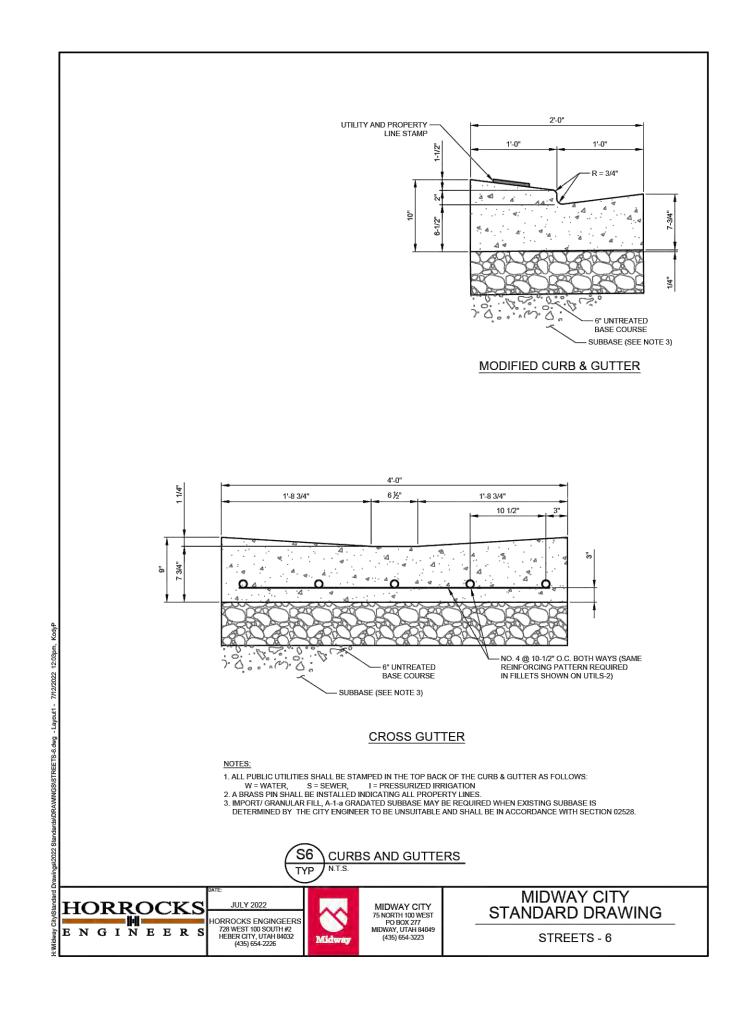
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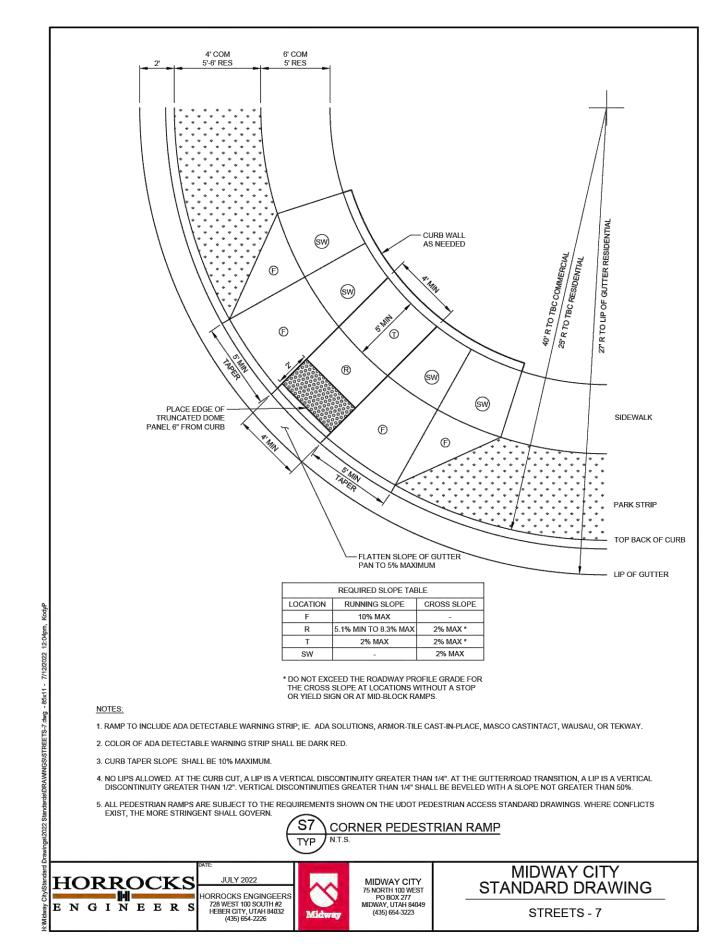
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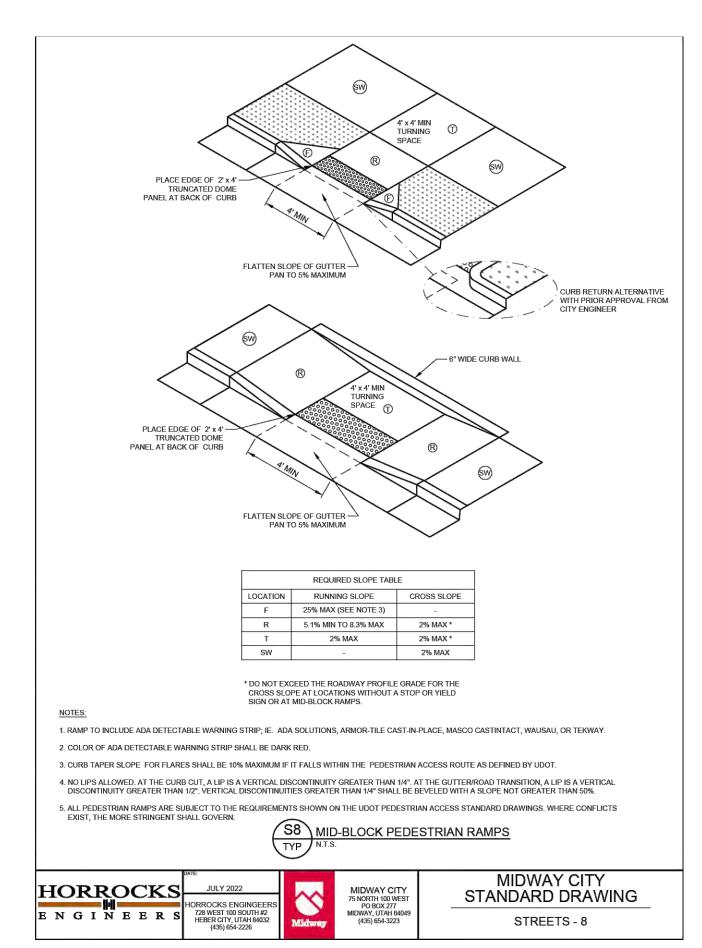
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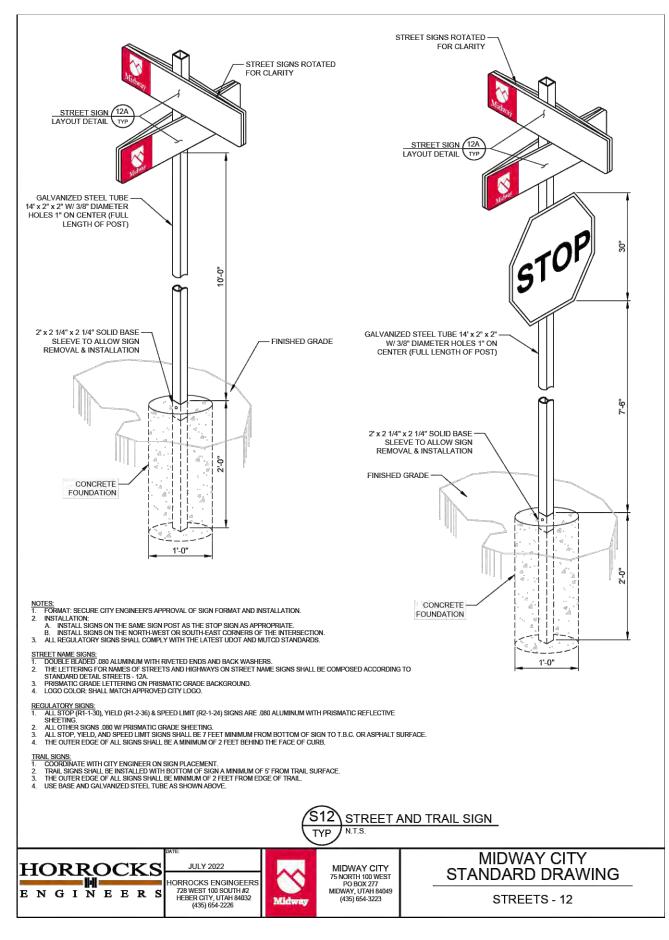


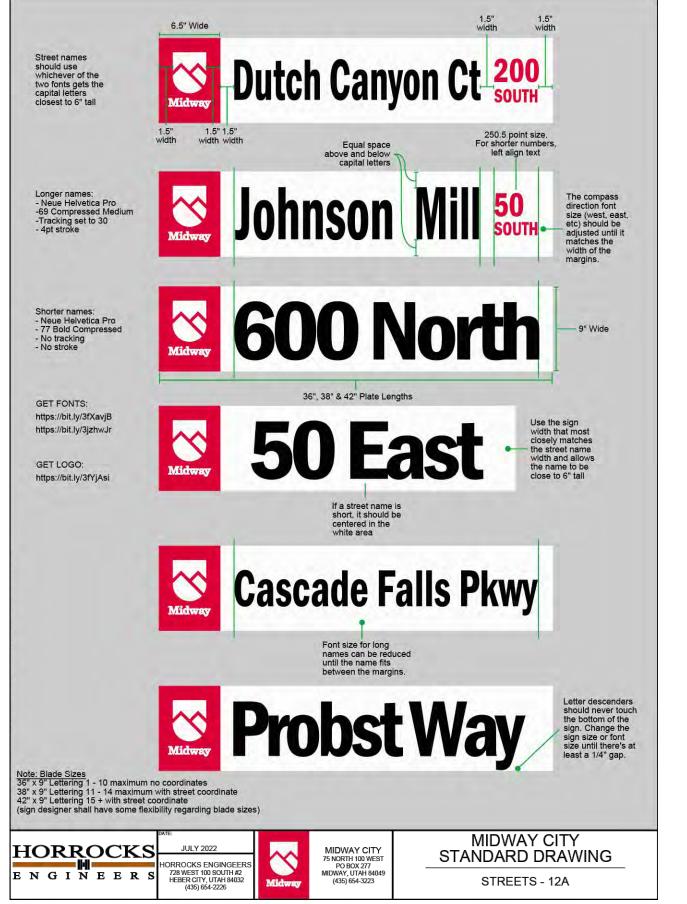


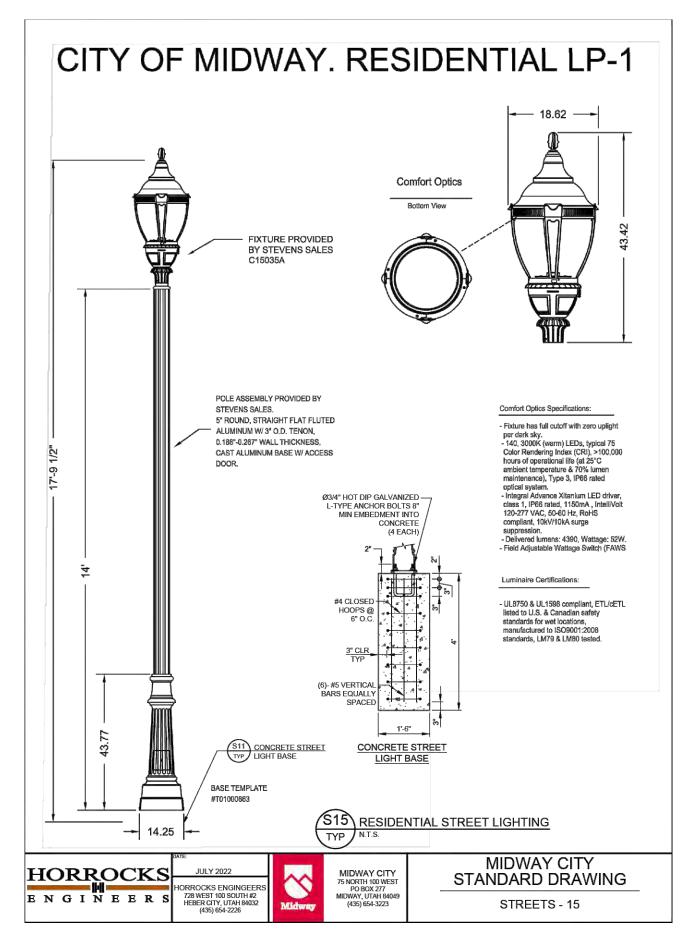


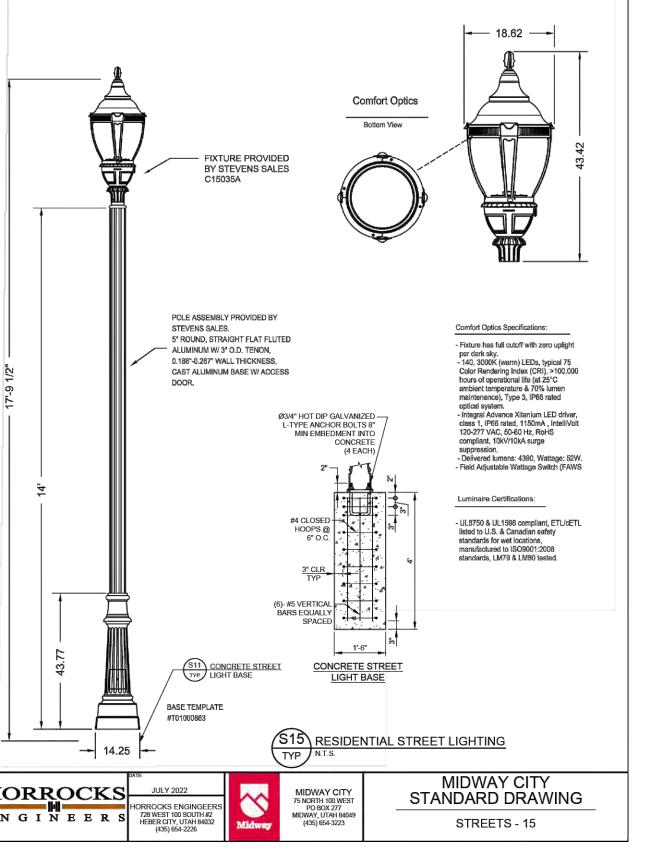








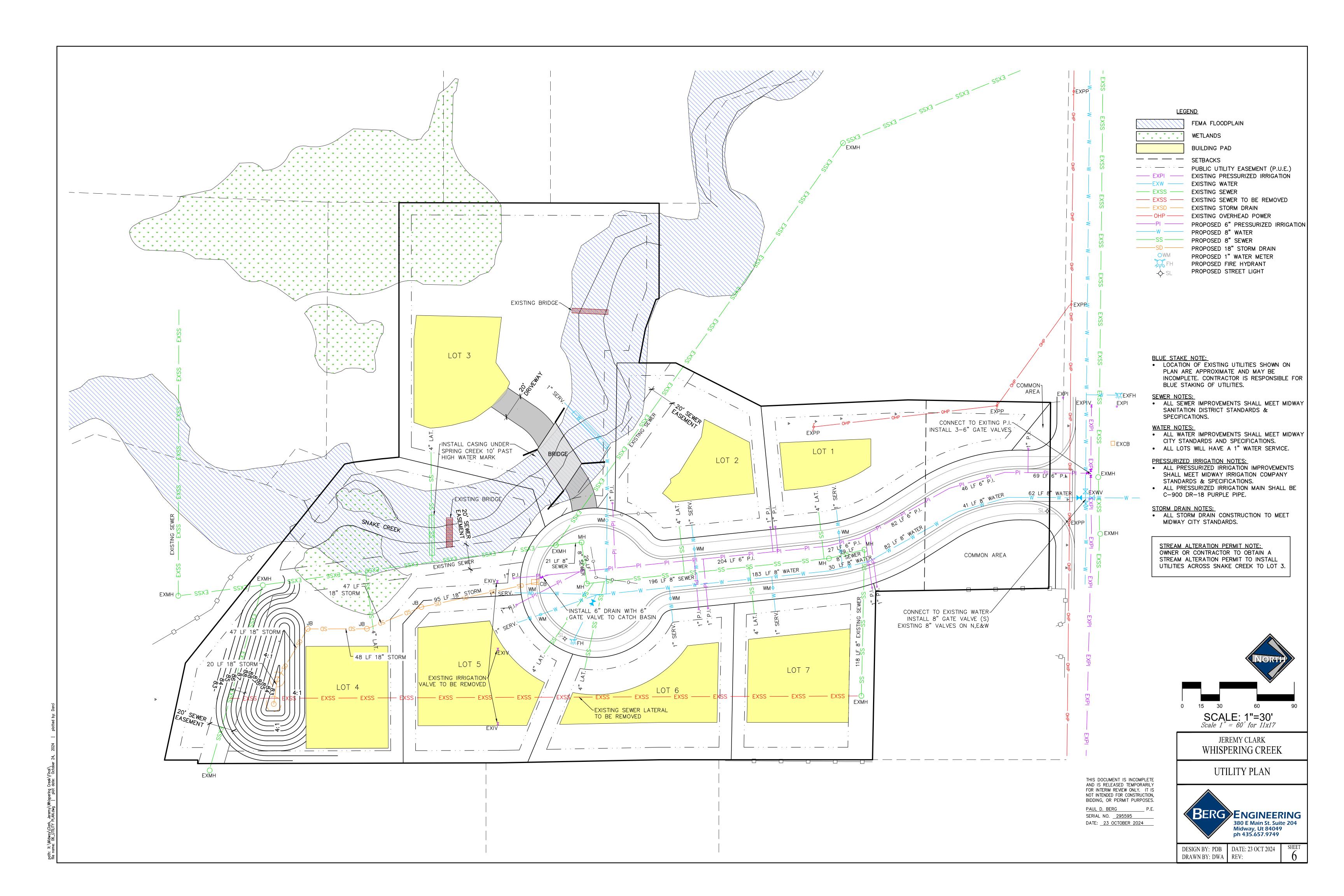




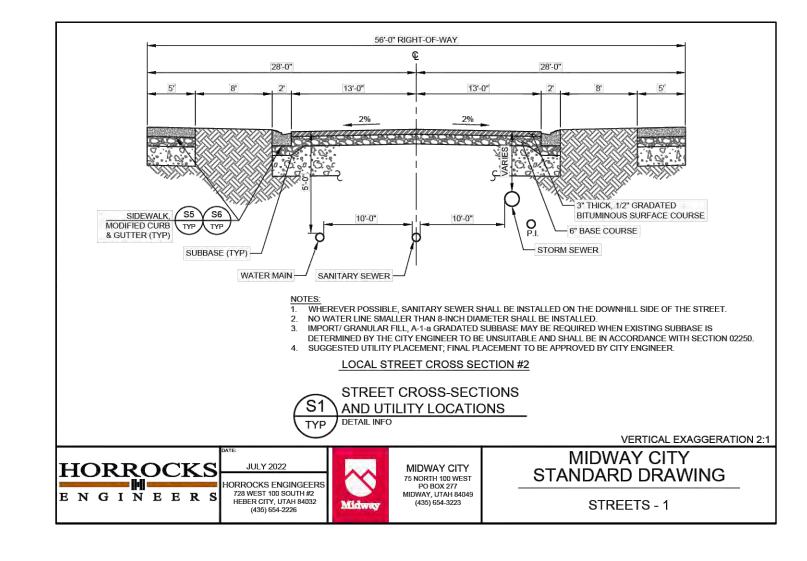


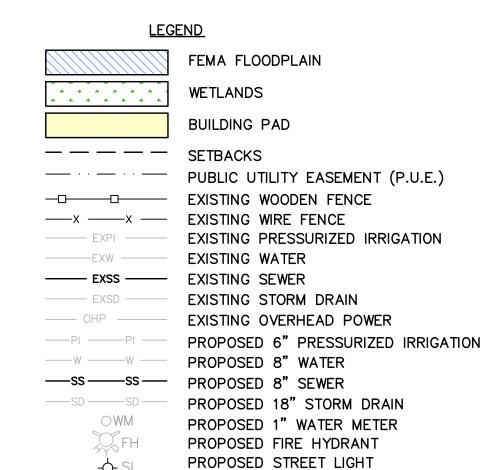


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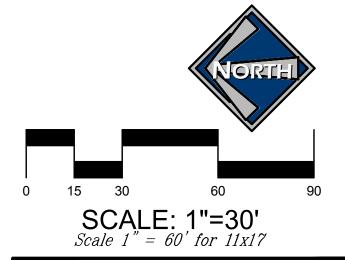


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JEREMY CLARK WHISPERING CREEK

SEWER PLAN & PROFILE STA 0+00 - 3+29

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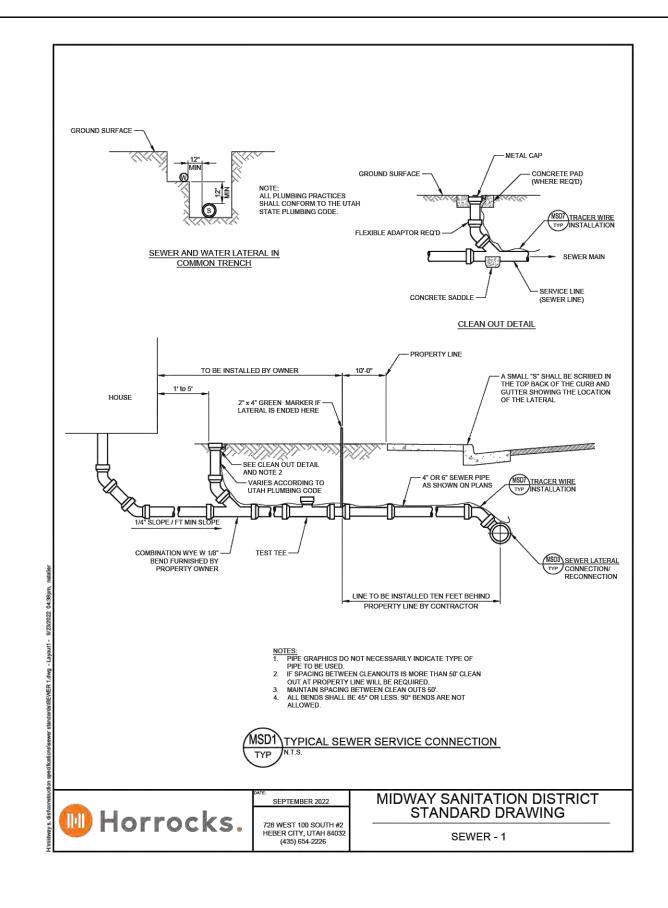
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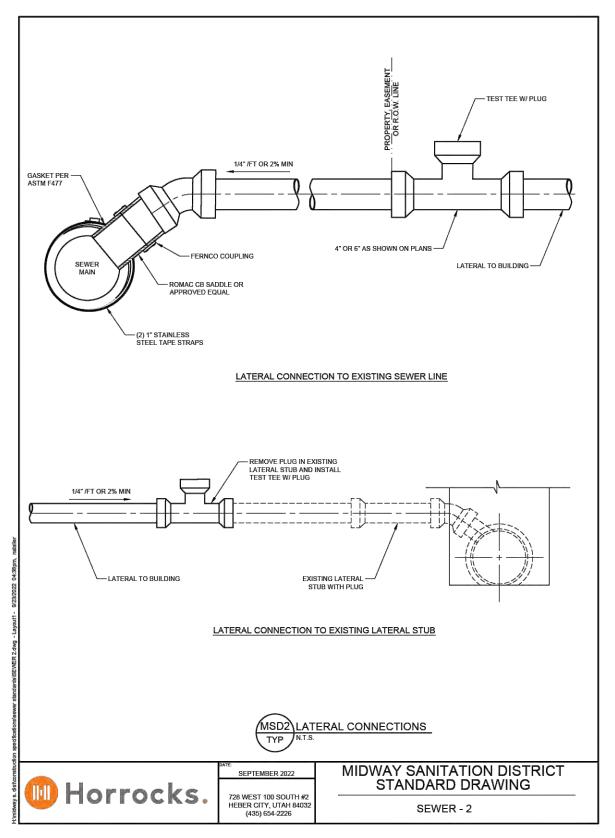
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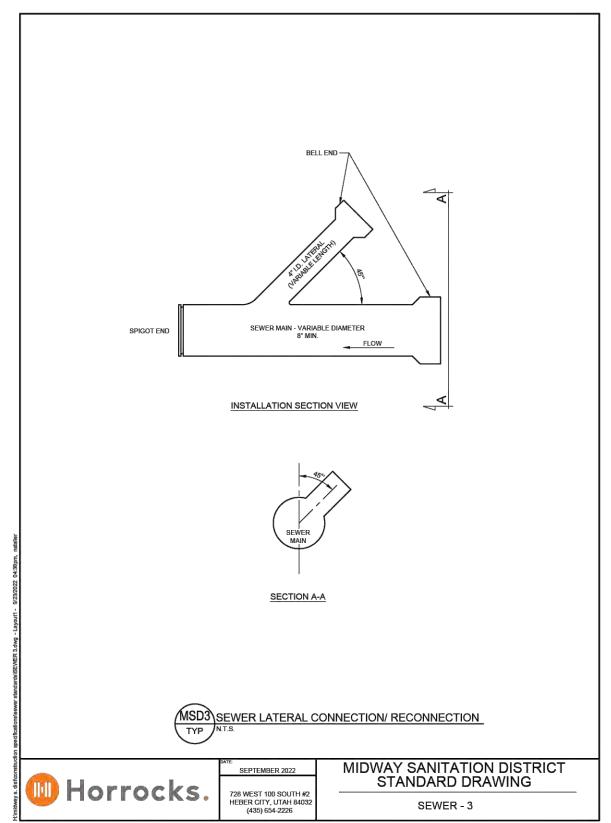
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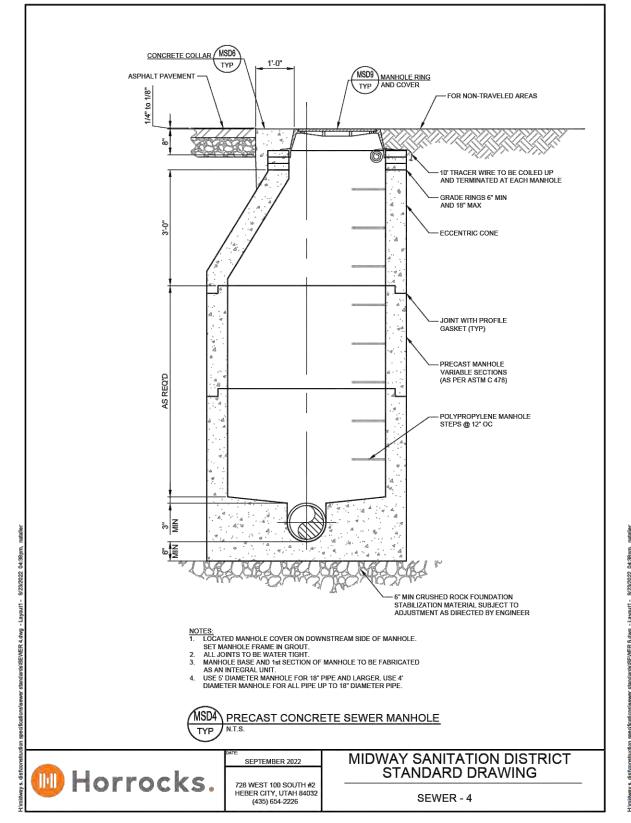
BERG ENGINEERING 380 E Main St. Suite 204 Midway, Ut 84049 ph 435.657.9749

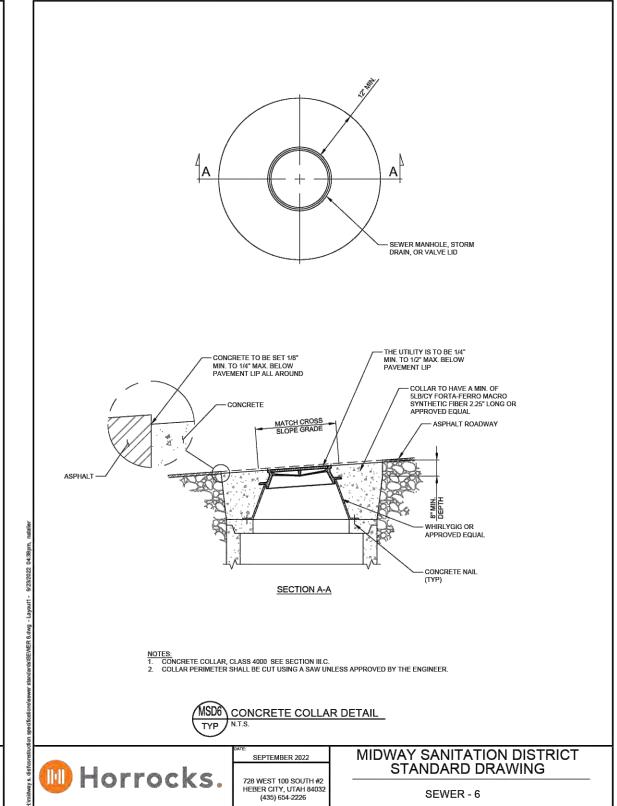
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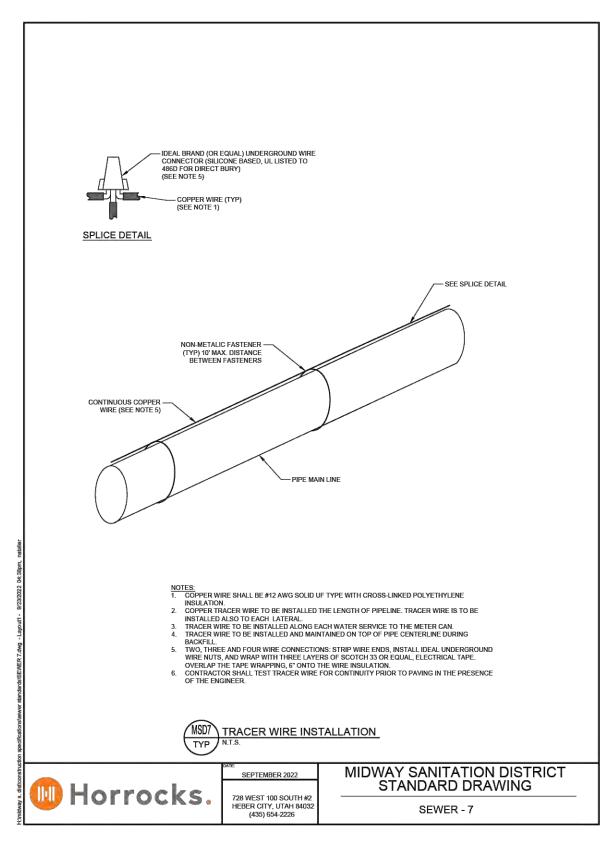


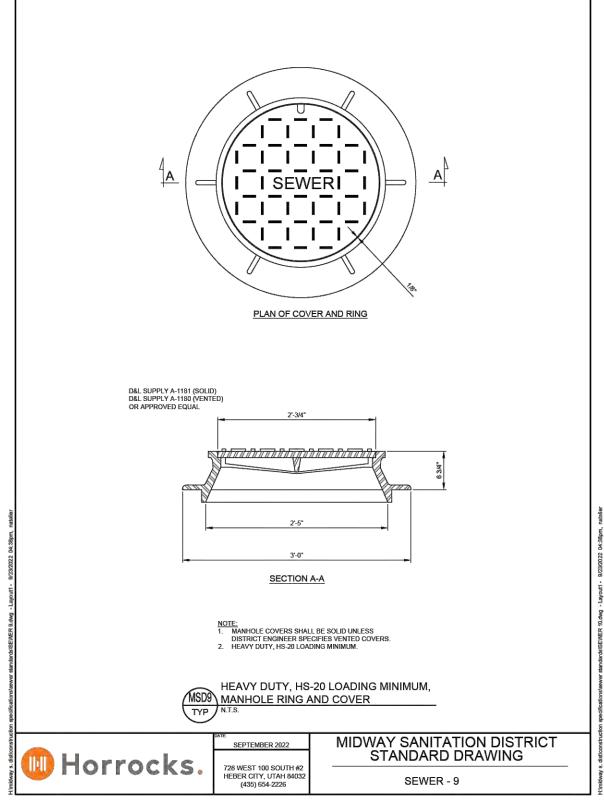


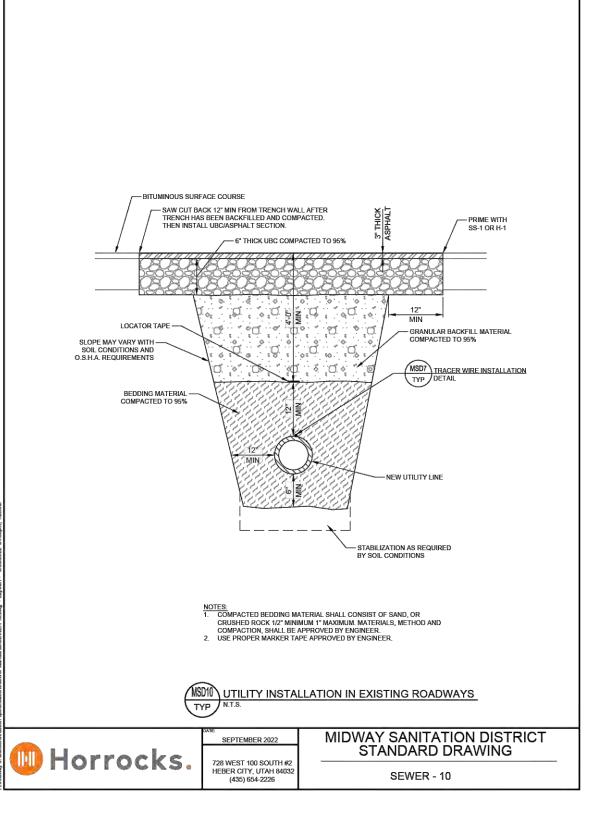


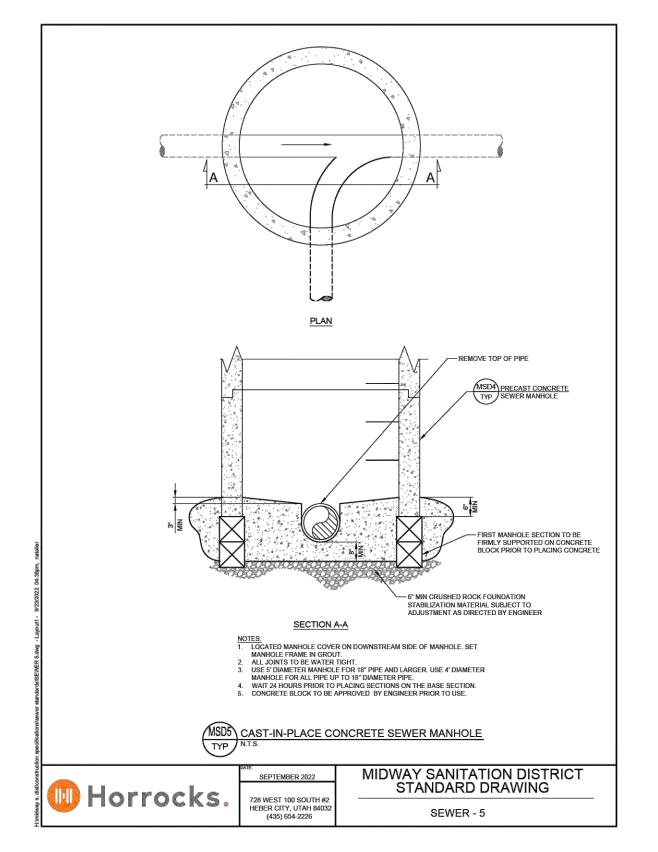










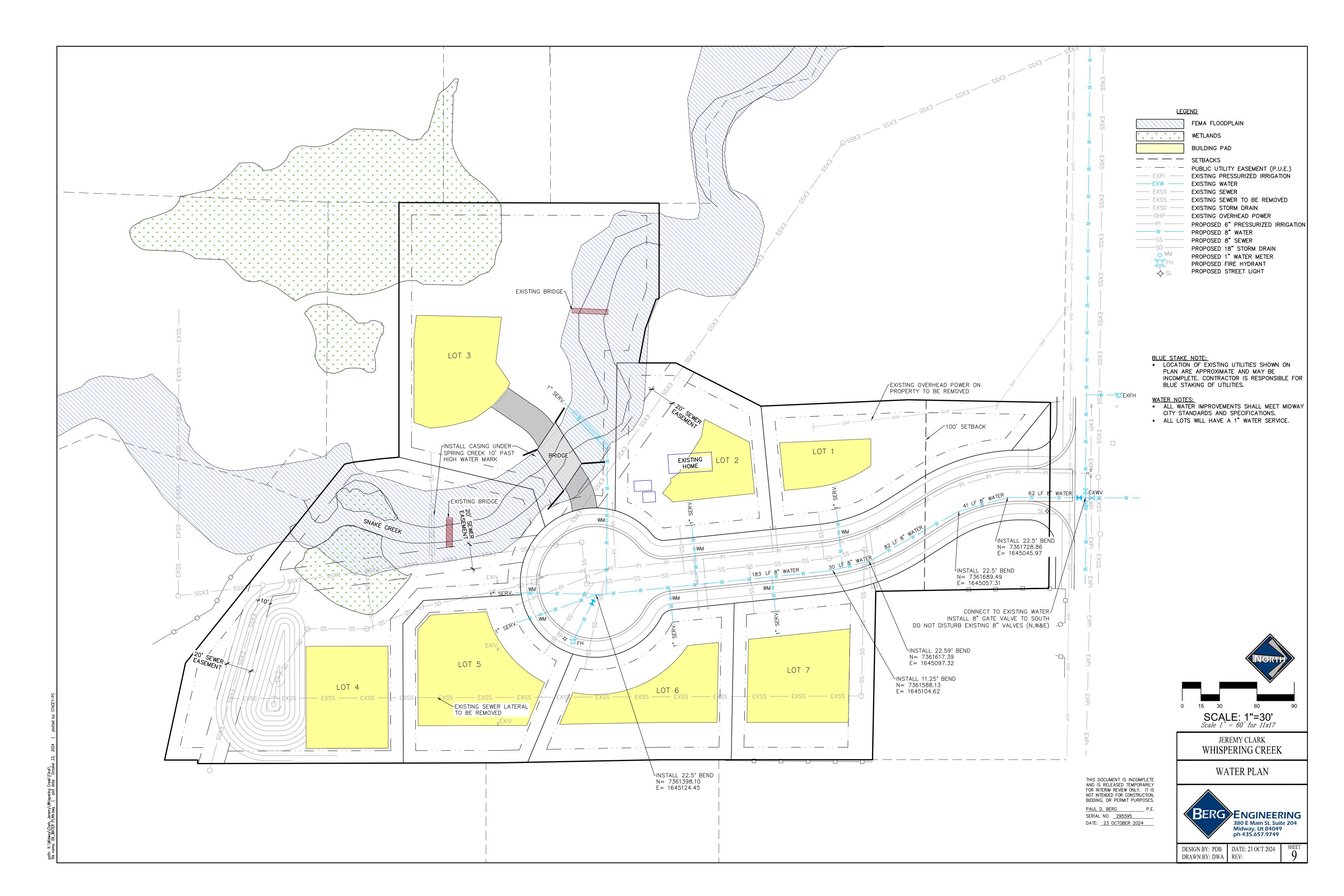


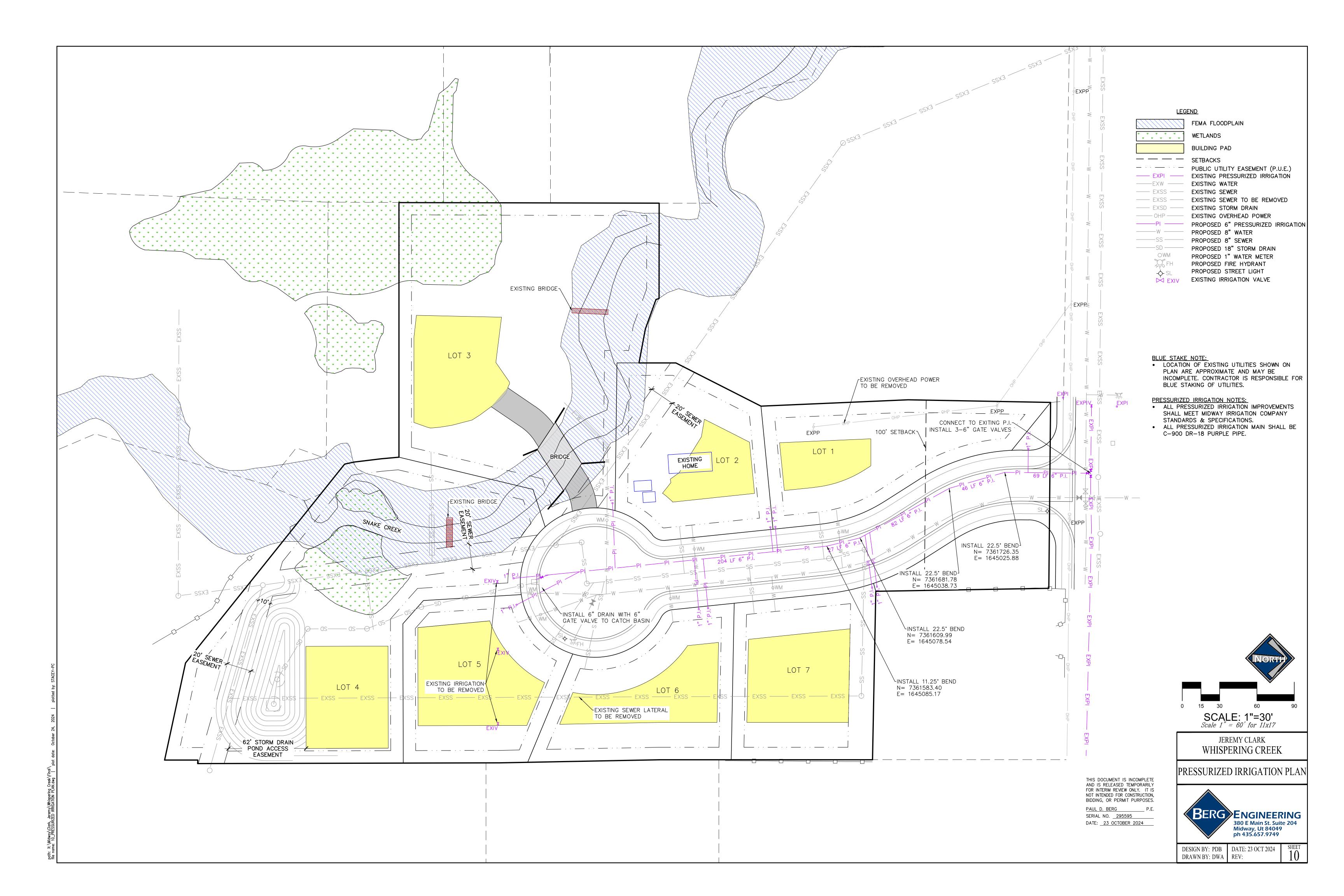


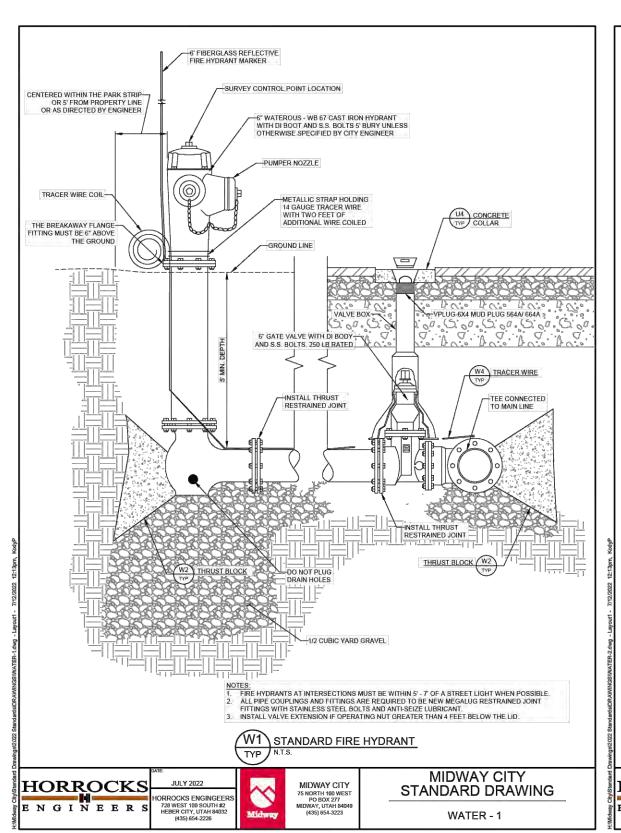
**SEWER** CONSTRUCTION DETAILS

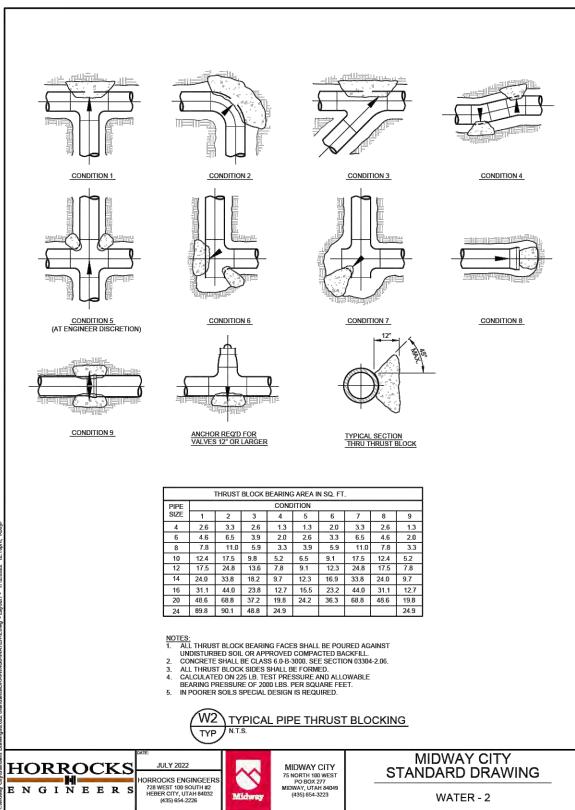


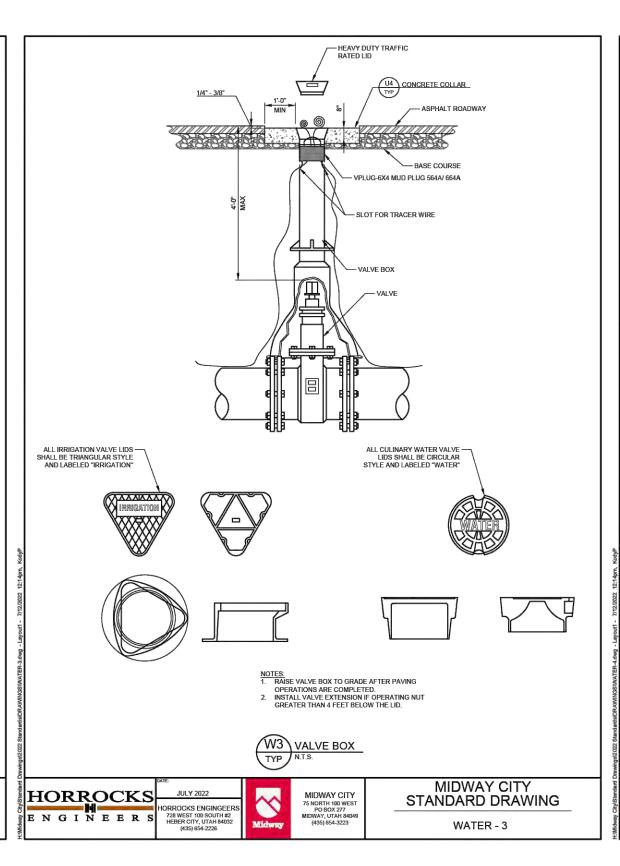
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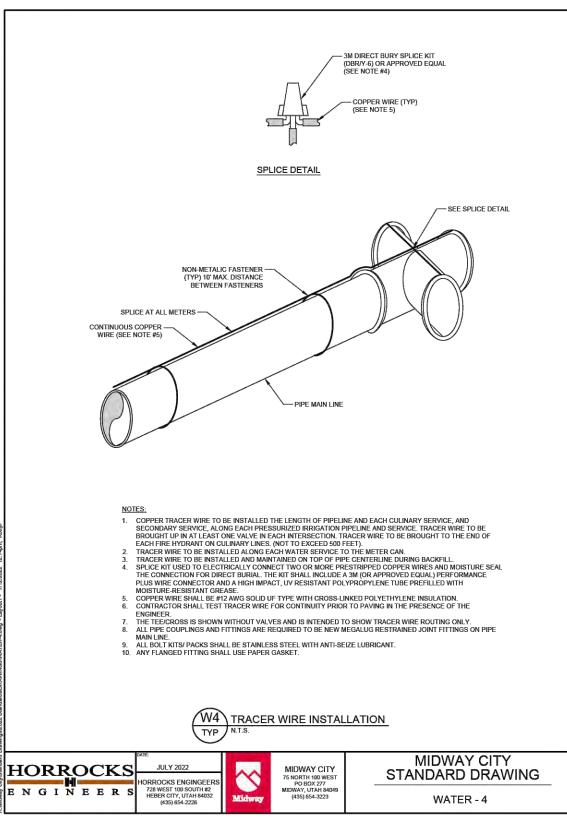


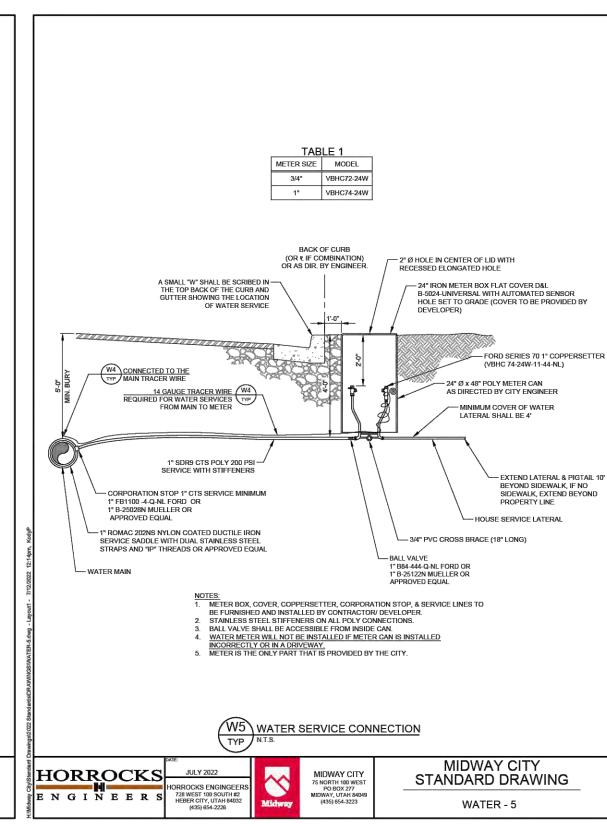


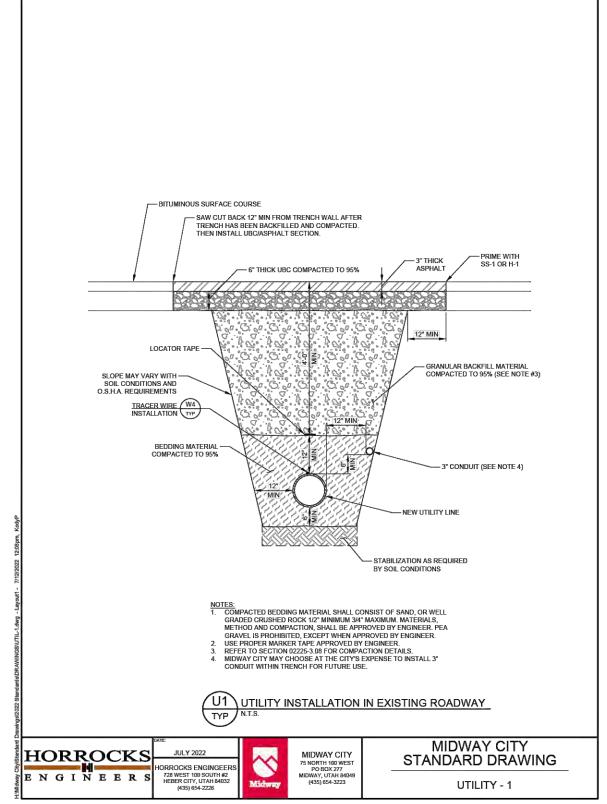


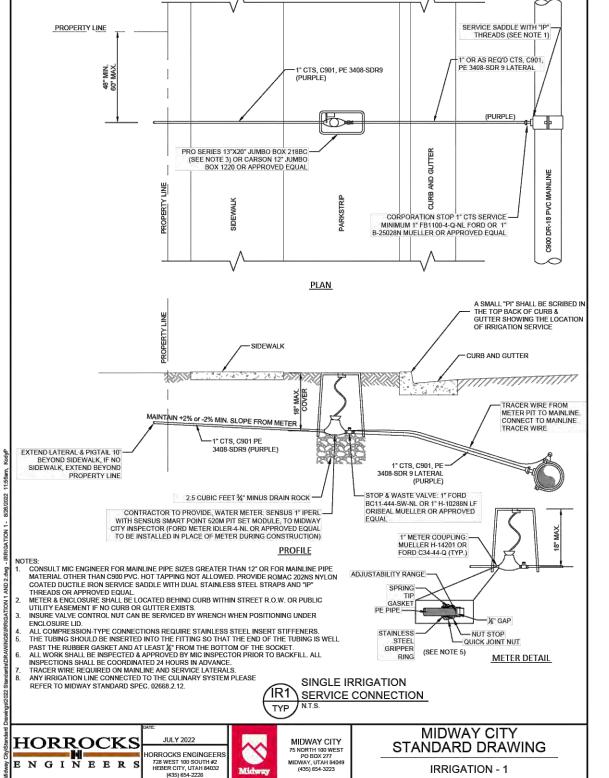


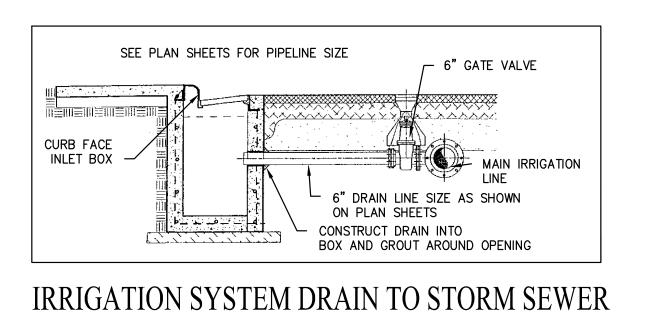












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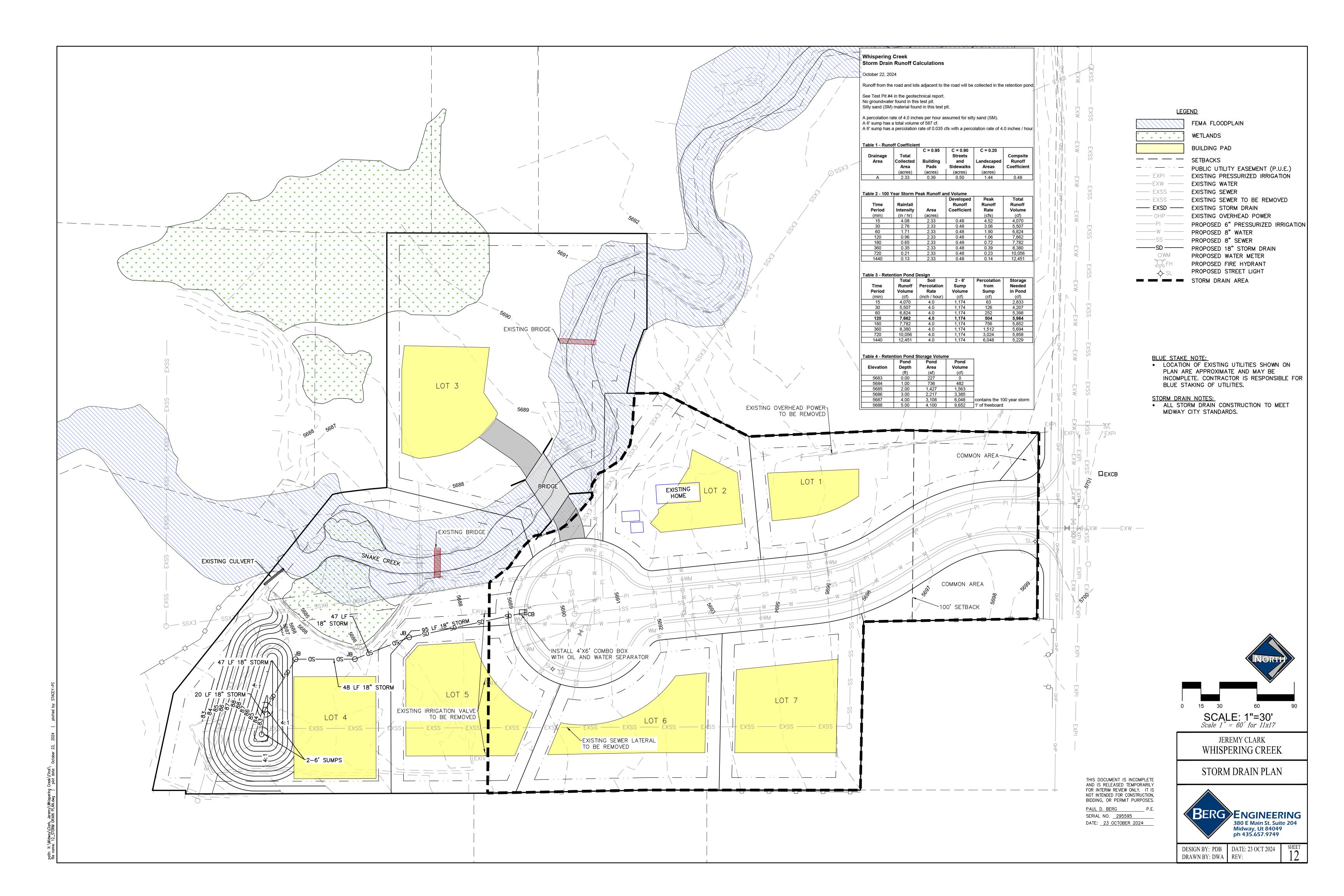
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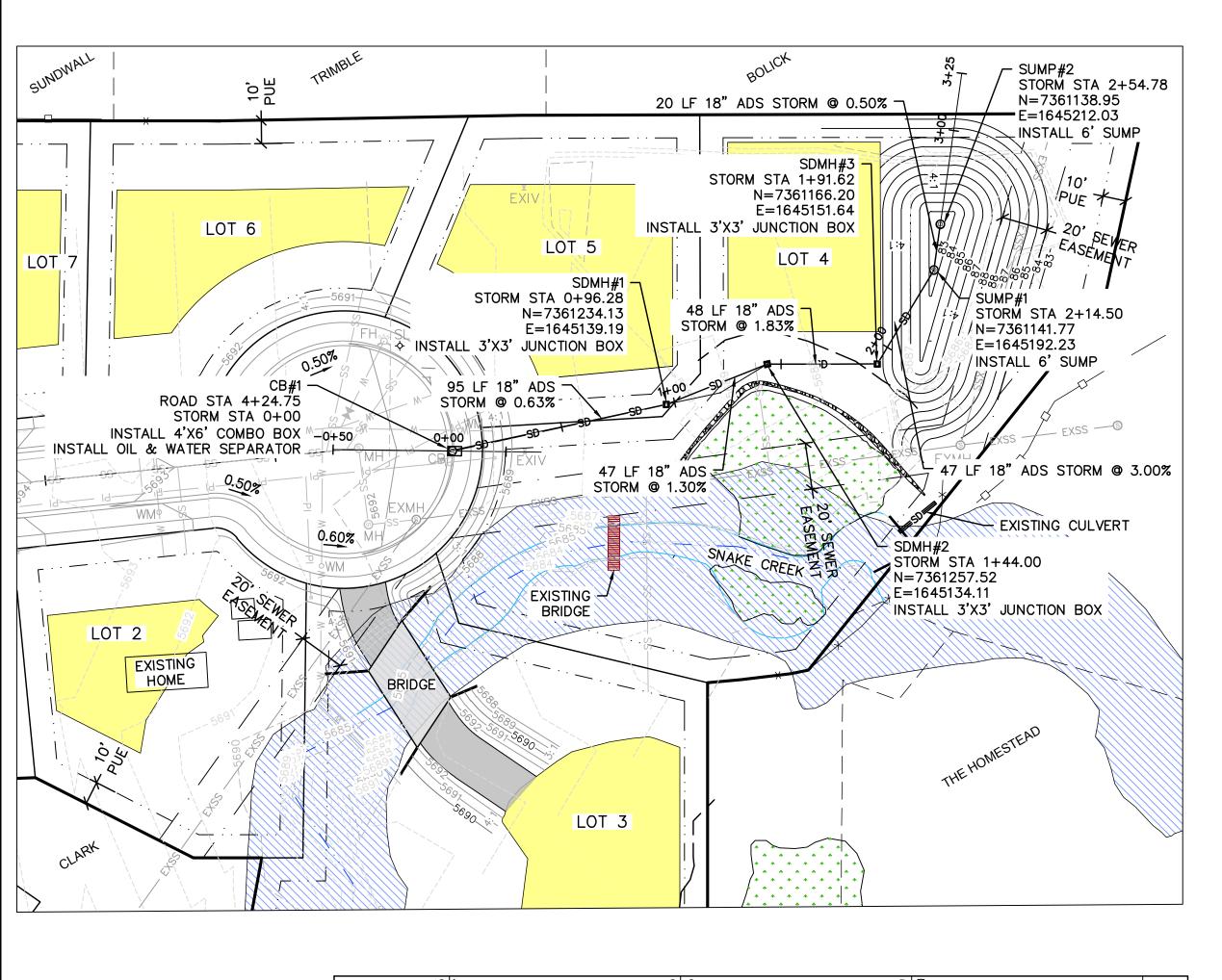
WATER & PI CONSTRUCTION DETAILS

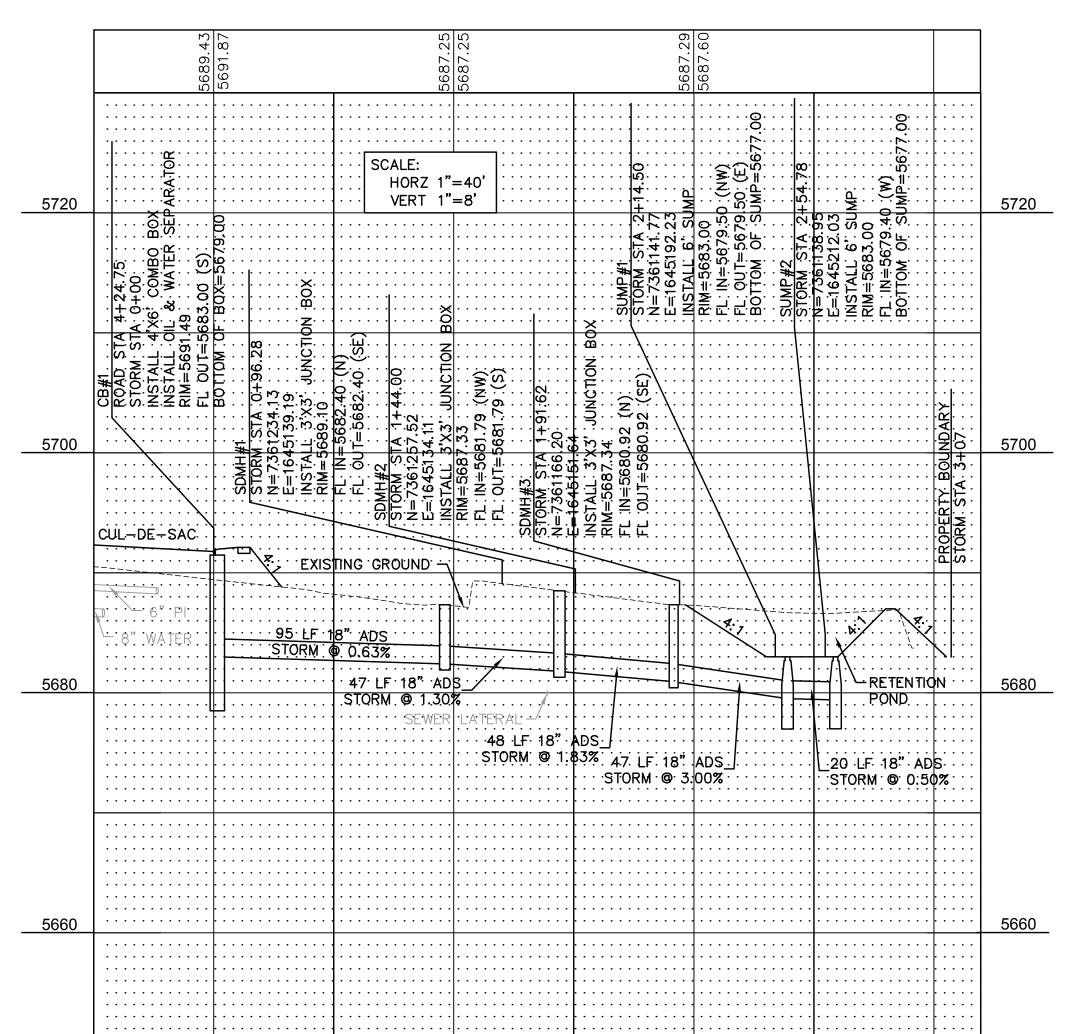


DRAWN BY: DWA | REV:

DESIGN BY: PDB DATE: 23 OCT 2024





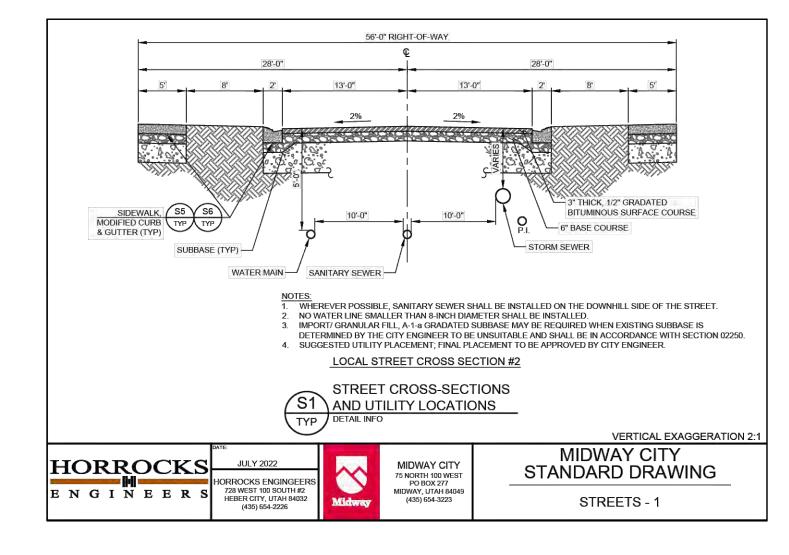


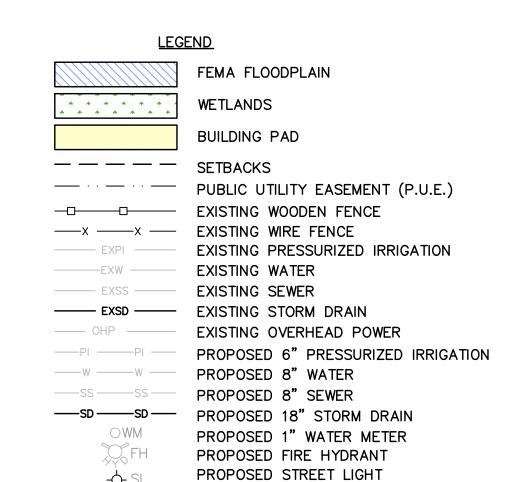
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0+00

. . . . . . . . . .

2+00



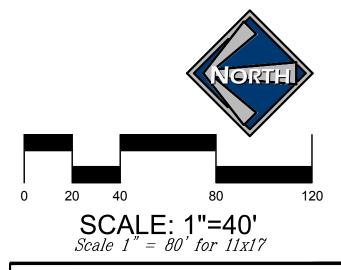


BLUE STAKE NOTE:

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

### STORM DRAIN NOTES:

 ALL STORM DRAIN CONSTRUCTION TO MEET MIDWAY CITY STANDARDS.



JEREMY CLARK WHISPERING CREEK

STORM DRAIN PLAN & PROFILE STA 0+00 - 3+20



DATE: 23 OCT 2024 DESIGN BY: PDB DRAWN BY: SW

THIS DOCUMENT IS INCOMPLETE

AND IS RELEASED TEMPORARILY

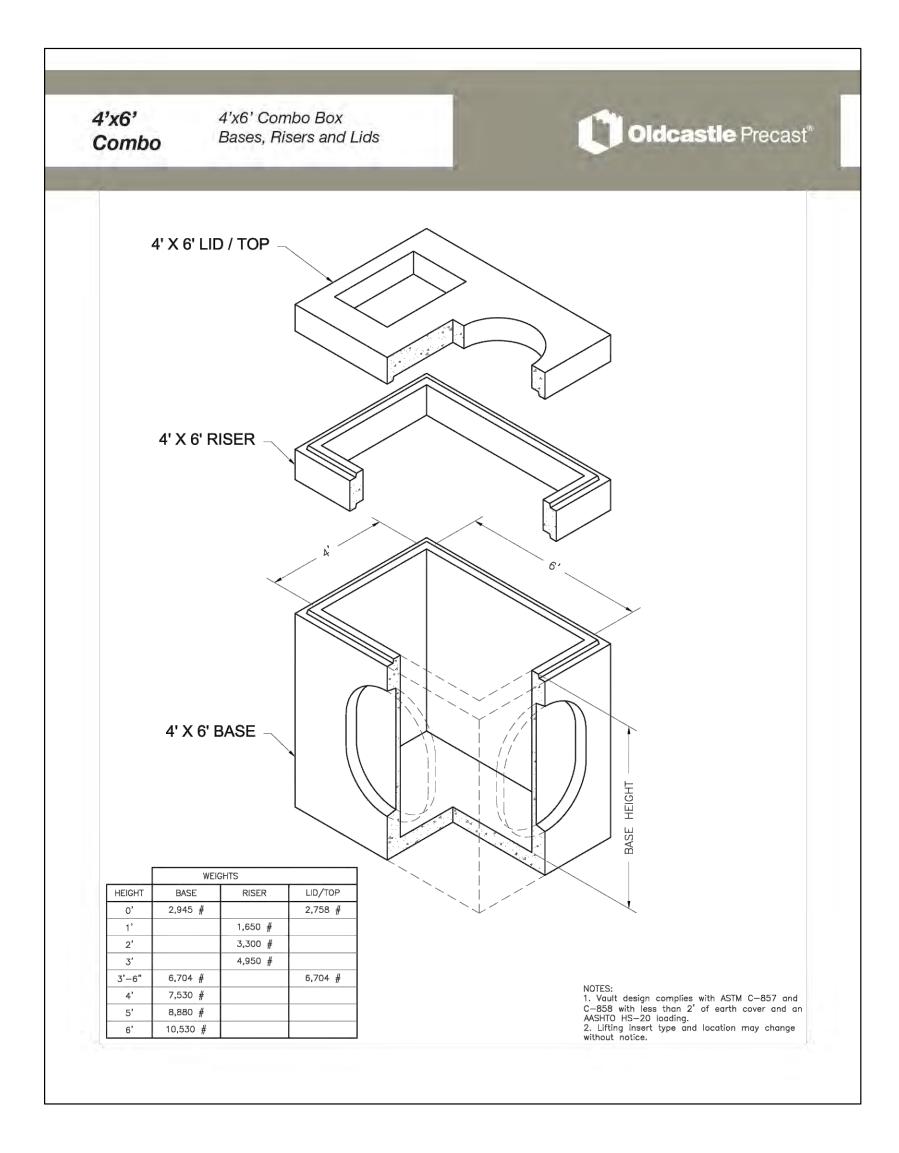
FOR INTERIM REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION,

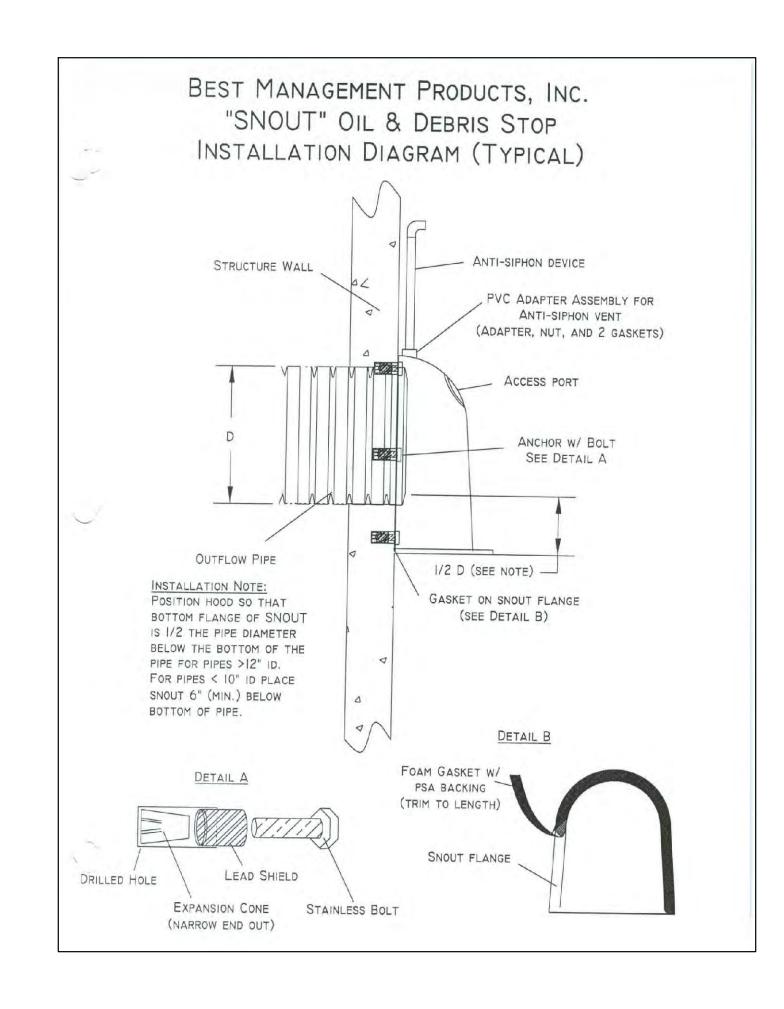
BIDDING, OR PERMIT PURPOSES.

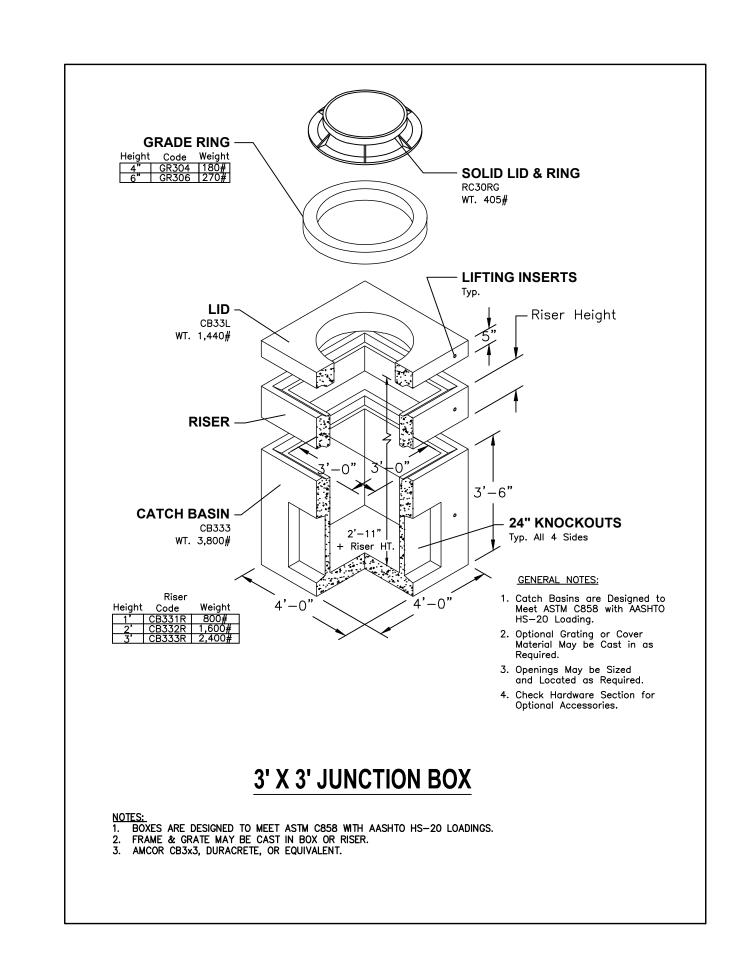
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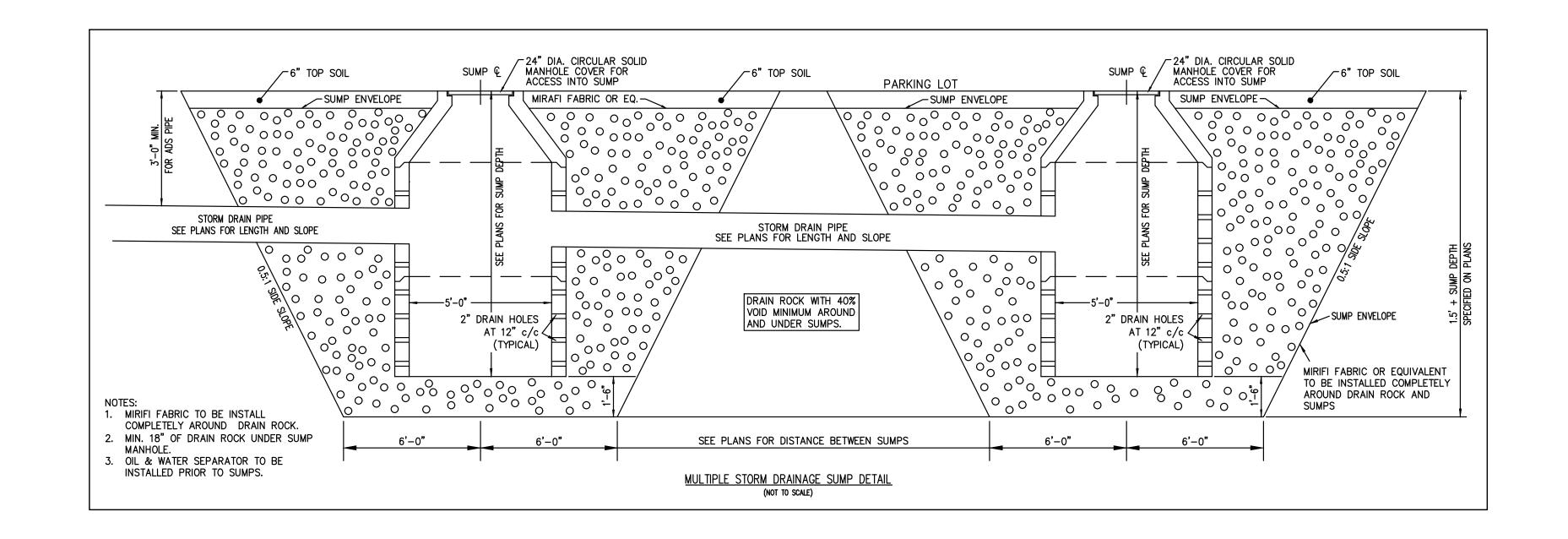
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DATE: 23 OCTOBER 2024









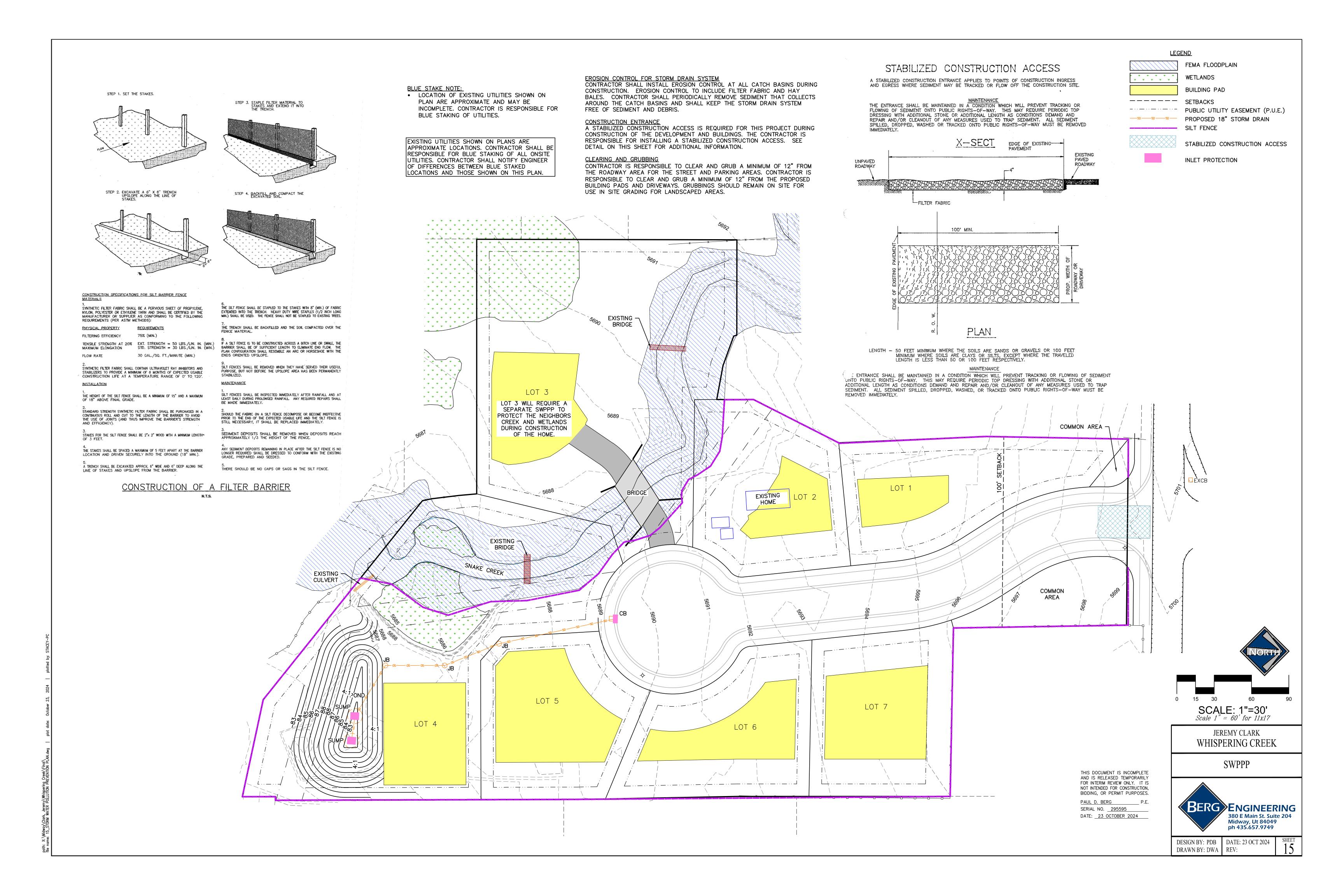


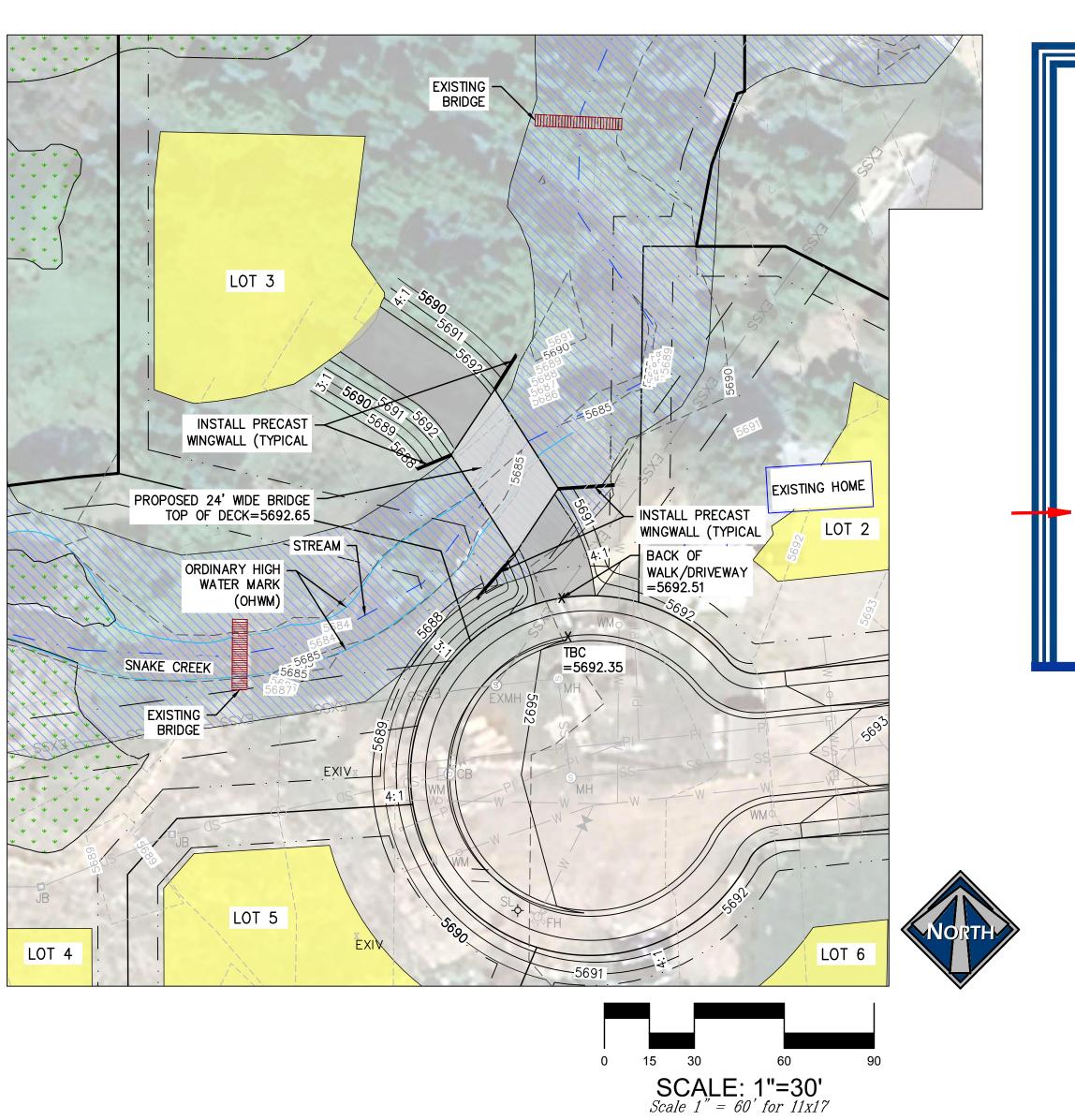
JEREMY CLARK
WHISPERING CREEK

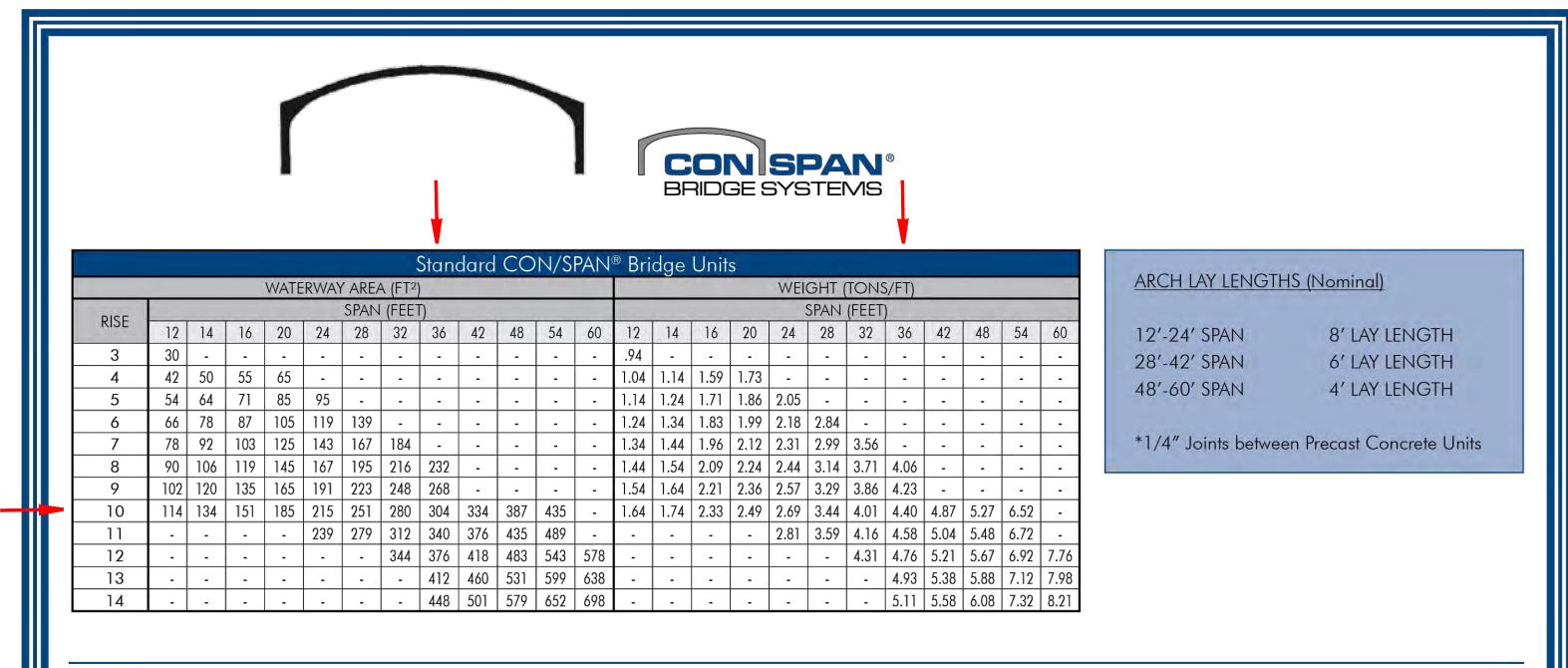
STORM DRAIN CONSTRUCTION DETAILS

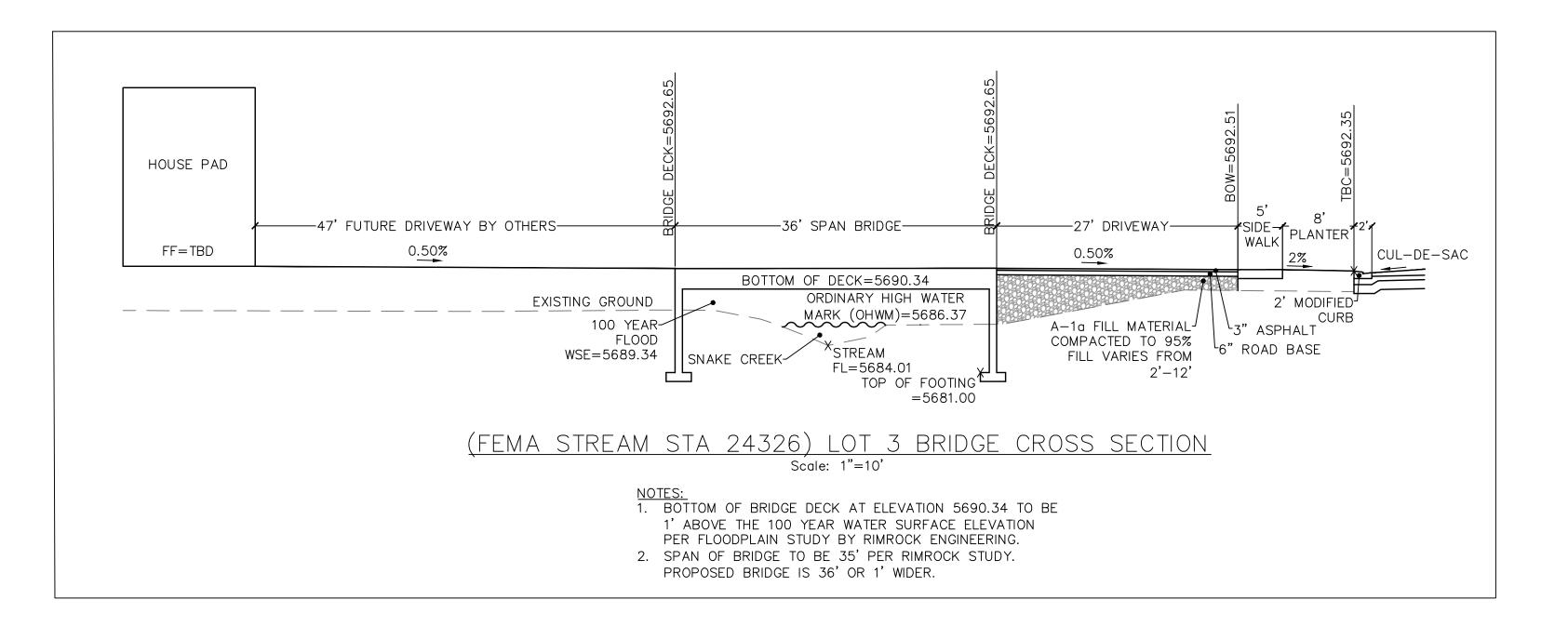


DESIGN BY: PDB DATE: 23 OCT 2024 DRAWN BY: DWA REV:









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PAUL D. BERG P.E.

SERIAL NO. \_\_295595

DATE: \_\_23 OCTOBER 2024

JEREMY CLARK WHISPERING CREEK

LOT 3 DRIVEWAY PRECAST BRIDGE DETAILS



DESIGN BY: PDB DATE: 23 OCT 2024 REV:

<u>LEGEND</u>

FEMA FLOODPLAIN

PUBLIC UTILITY EASEMENT (P.U.E.)

PROPOSED 6" PRESSURIZED IRRIGATION

WETLANDS

SETBACKS

—— EXSS ——

—— EXSD ——

BUILDING PAD

EXISTING WOODEN FENCE

---- EXPI ---- EXISTING PRESSURIZED IRRIGATION

EXISTING WATER

EXISTING SEWER

----- OHP ----- EXISTING OVERHEAD POWER

EXISTING STORM DRAIN

PROPOSED 8" WATER

PROPOSED 8" SEWER

PROPOSED 18" STORM DRAIN

PROPOSED 1" WATER METER PROPOSED FIRE HYDRANT

PROPOSED STREET LIGHT

2024 SHEE 16

path: X:\Midway\Clark, Jeremy\Whispering Creek\Final\

SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZ
TREES							
Service of the servic	ACE AUT	1	ACER FREEMANII 'AUTUMN BLAZE'	AUTUMN BLAZE MAPLE	B&B	2" CAL	
	FAG FAS	31	FAGUS SYLVATICA 'FASTIGIATA'	COLUMNAR GREEN BEECH	B&B	2" CAL	
	MS	2	MALUS X 'SPRING SNOW'	SPRING SNOW CRAB APPLE	B&B	2" CAL	
	PRU CAN	3	PRUNUS VIRGINIANA 'CANADA RED'	CANADA RED CHOKECHERRY	B&B	2" CAL	
EVEDODE	EN TDEE						

· A	ABI GLA	4	ABIES LASIOCARPA 'GLAUCA COMPACTA'	SUBALPINE FIR	B&B	8-10
	PIN FLE	5	PINUS FLEXILIS 'VANDERWOLF'S PYRAMID	VANDERWOLF'S PYRAMID PINE	B&B	6.

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SERIAL NO. 12902936-5301

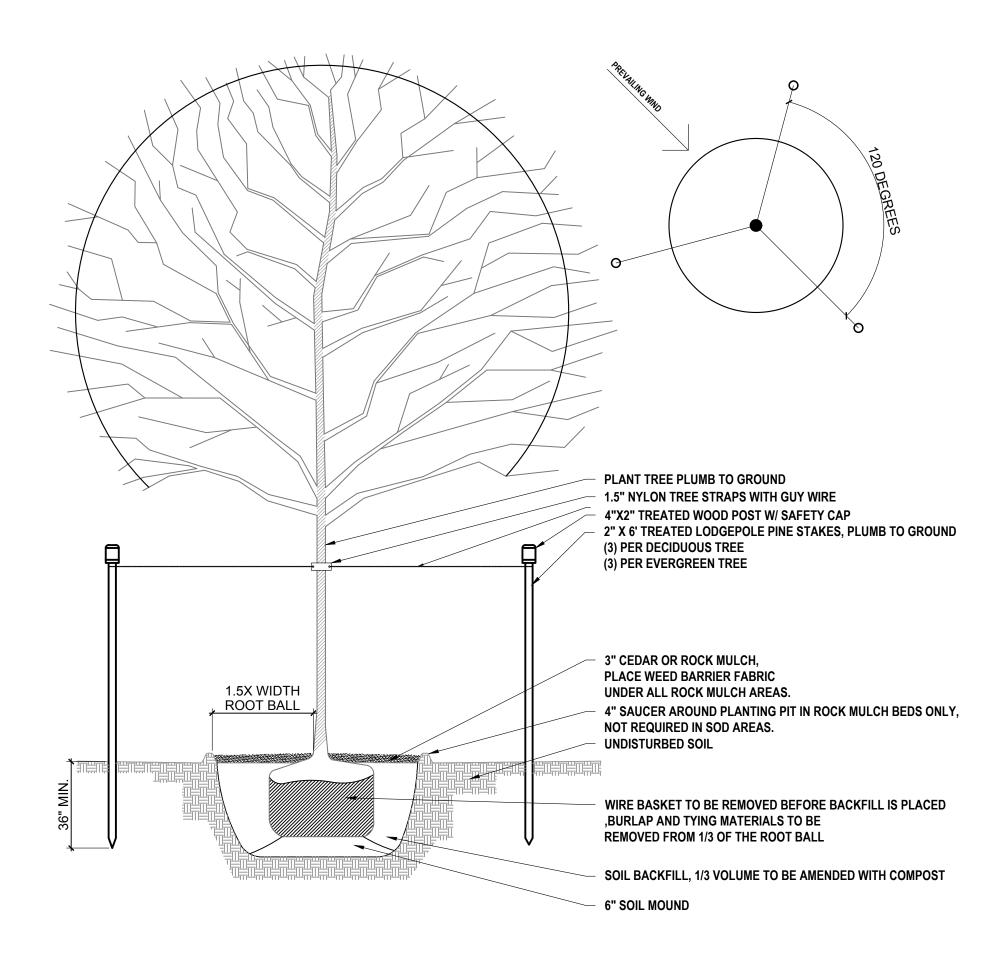
**JEREMY CLARK** WHISPERING CREEK

LANDSCAPE DETAILS

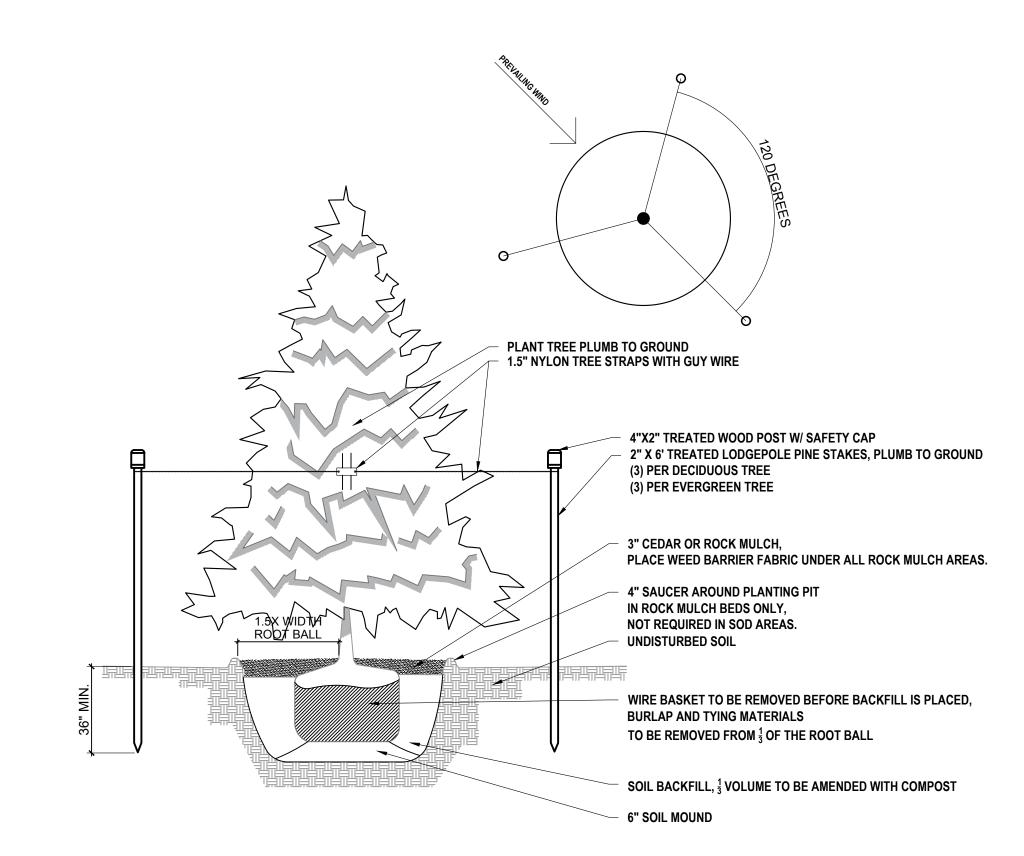


380 E Main St, Suite 204 Midway, Ut 84049 ph. (801) 723-2000 DESIGN BY:DAA DATE: 23 OCT 2024 REV: 00

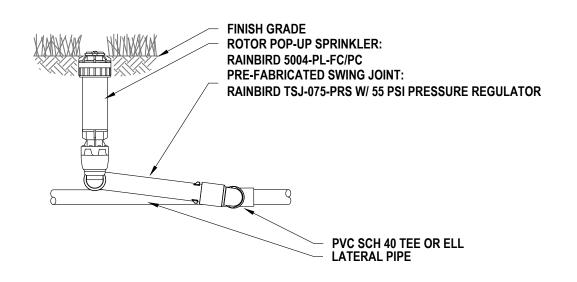






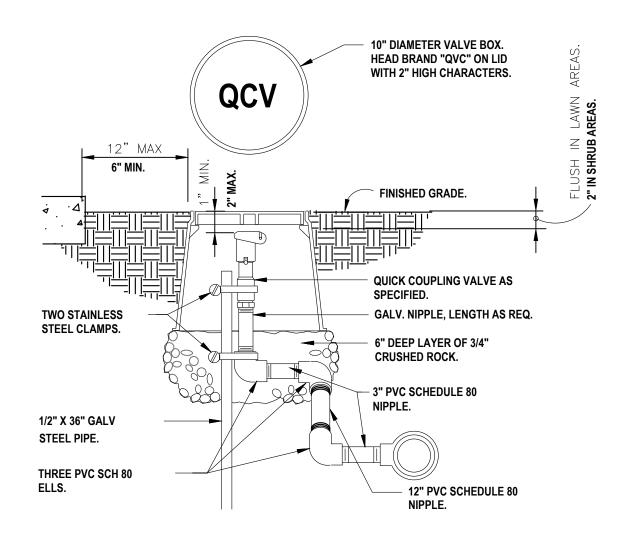




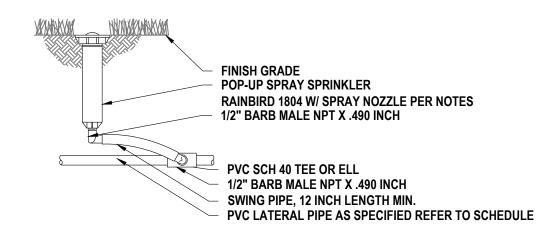


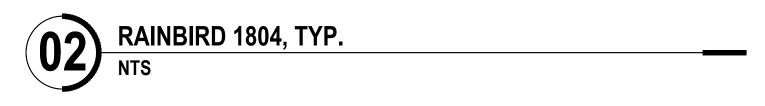
RAINBIRD 5004-PC,FC -MPR, TYP.

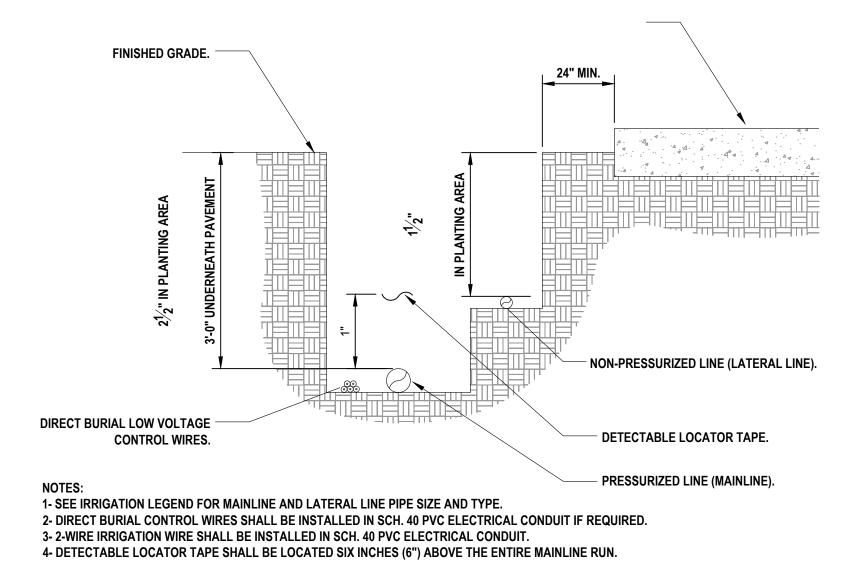
NTS



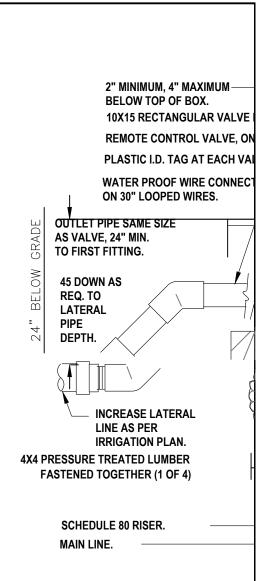
QUICK COUPLING VALVE IN BOX \_\_\_\_











03 ELECTRIC REMO