

Midway City Council
1 December 2020
Regular Meeting

Probst Farm Rural Preservation
Subdivision /
Preliminary and Final Approval



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: December 1, 2020

NAME OF PROJECT: Probst Farm Rural Preservation Subdivision

NAME OF APPLICANT: Derek Kohler/Summit Engineering

PROPERTY OWNER: Randall K. Probst

ENGINEER: Summit Engineering

AGENDA ITEM: Preliminary/Final Approval

LOCATION OF ITEM: 495 North Center Street

ZONING DESIGNATION: R-1-15

ITEM: 15

Derek Kohler of Summit Engineering, agent for Randall K. Probst, is requesting preliminary/final approval of a Rural Preservation Subdivision to be known as Probst Farm. The property is five acres and located at 495 North Center Street and zoned R-1-15.

BACKGROUND:

This request is for preliminary/final approval of a Rural Preservation Subdivision on 5.02 acres which will contain one lot. The proposal is on the historic Probst Farm and will help preserve the property by creating a low-density development with a large amount of open space and will retain the rural atmosphere of the area. There are two barns on the property and two other smaller buildings.

Currently the property is being used for agriculture. There are sensitive lands present in the development area that include wetlands, major geologic features, and minor geologic features. The property has geothermal springs which run from the Central Mound across the property. Wetlands and major geologic features may not be disturbed. Minor geologic feature areas may be disturbed except for locations where there are pot rock outcroppings taller than 3'. Staff has reviewed the property and there appears to be no features of this type on site though the area is located on the sensitive lands map for minor geologic features. The areas that may not be disturbed will be noted on the plat.

LAND USE SUMMARY:

- 5.02-acre parcel
- R-1-15 zoning
- Proposal contains one lot
- Private driveway
- Sensitive lands
 - Wetlands
 - Major geologic features
 - Minor geologic features
- The lot will connect to Midway City's culinary water line, Midway Sanitation District's sewer line, and Midway Irrigation Company's secondary water line

ANALYSIS:

Access – Access for the lot will be from a private driveway across a 30' wide easement. Driveway easements for Rural Preservation Subdivisions need to be at least 28' wide to accommodate a 20' drivable area and 4' clear areas on both sides of the driveway to comply with the rural preservation driveway standards. The easement will connect the development parcel to Center Street and will cross parcel OMI-0249-0 owned by Ringo Ranch LLC. The easement is required to be recorded before the subdivision plat is recorded. The driveway easement will also be a utility easement for water, sewer, and other utilities.

Culinary Water Connection – The lots will connect to the City's water line located under Center Street.

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.

Secondary Water Connection – The property is currently connected to Midway Irrigation Company's water system and this will continue with the new development.

Sewer Connection – The lot will connect to Midway Sanitation District's line located in Center Street.

Sensitive Lands - There are sensitive lands present in the development area that include wetlands, major geologic features, and minor geologic features. The property has geothermal springs which run from the Central Mound across the property. Wetlands and major geologic features may not be disturbed. Minor geologic features areas may be disturbed except for areas where there are pot rock outcroppings taller than 3'. Staff has reviewed the property and there appears to be no features of this type on site though the area is located on the sensitive lands map for minor geologic features. The areas that may not be disturbed will be noted on the plat.

Deed Restriction – The 5.02 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 5.02 acres will never be more than one dwelling. A note will also be placed on the plat indicating the restriction. A deed restriction will also be recorded towards the lot immediately after the plat is recorded so all future landowners will know of the restrictions before the 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.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Whitney: I make a motion that we recommend approval for Derek Kohler of Summit Engineering, agent for Randall K. Probst, is requesting preliminary/final approval of a Rural Preservation Subdivision to be known as Probst Farm. The property is five acres and located at 495 North Center Street and zoned R-1-15. Accept the staff findings and the proposed conditions which are that the deed restriction that will be recorded towards the lot must be submitted to the City for review and recorded immediately after the plat is recorded. A note on the plat is included with language that clearly states that subdividing the lot is prohibited. The driveway easement document is submitted to the City for review and recorded before the plat is recorded. And that 13.7-acre feet of water is tendered to the City before the plat is recorded.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

There were some clarifications added to the motion

Chairman Nicholas: All in favor.

Ayes: Commissioners: Garland, Whitney, Simons, Cliften and Crawford

Nays: None

Motion: Passed

WATER BOARD RECOMMENDATION:

The Water Board recommended that 13.7 acre feet of water is tendered to the City before the plat is recorded. Also, the lot will be required to install a secondary water meter.

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 proposal does comply with the requirements for the Rural Preservation Subdivision code
- The subdivision helps comply with the vision stated in the General Plan to preserve open space and a rural atmosphere
- The lot will be deed restricted so it can never be further subdivided

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council 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 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 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:

- The deed restriction that will be recorded towards the lot must be submitted to the City for review and recorded immediately after the plat is recorded.

- A note on the plat is included with language that clearly states that subdividing the lot is prohibited.

- The driveway easement document is submitted to the City for review and recorded before the plat is recorded.

- 13.7-acre feet of water is tendered to the City before the plat is recorded.

December 1, 2020

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

Subject: Probst Farm Rural Preservation Subdivision, Preliminary and Final Review

Dear Michael:

Horrocks Engineers recently reviewed the Probst Farm Rural Preservation Subdivision plans for Preliminary and Final Approval. The following issues should be addressed.

General Comments

- The plan proposes one lot on five acres. The lot is located at 495 North Center Street. No geologic features shall be disturbed with the development of this lot.

Water

- The proposed development will connect to the existing water line located in Center Street. A fire hydrant should be connected to an 8" water line and installed within 500' of the future home.

Irrigation

- Outdoor water will be provided through the secondary irrigation system. A secondary irrigation meter should be installed meeting the Midway Irrigation standards.

Roads

- The proposed lot will be connected to Center Street through the use of a private driveway. No erosion potential was identified therefore, the driveway may be a gravel surface.

Trails:

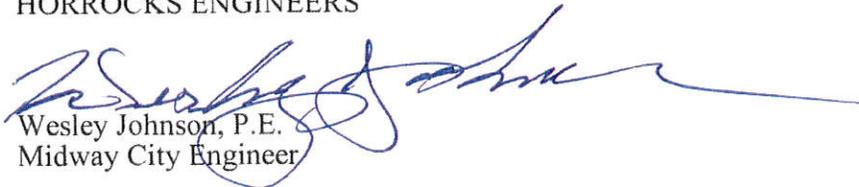
- No trails are shown to be constructed within the development.

Storm Drain

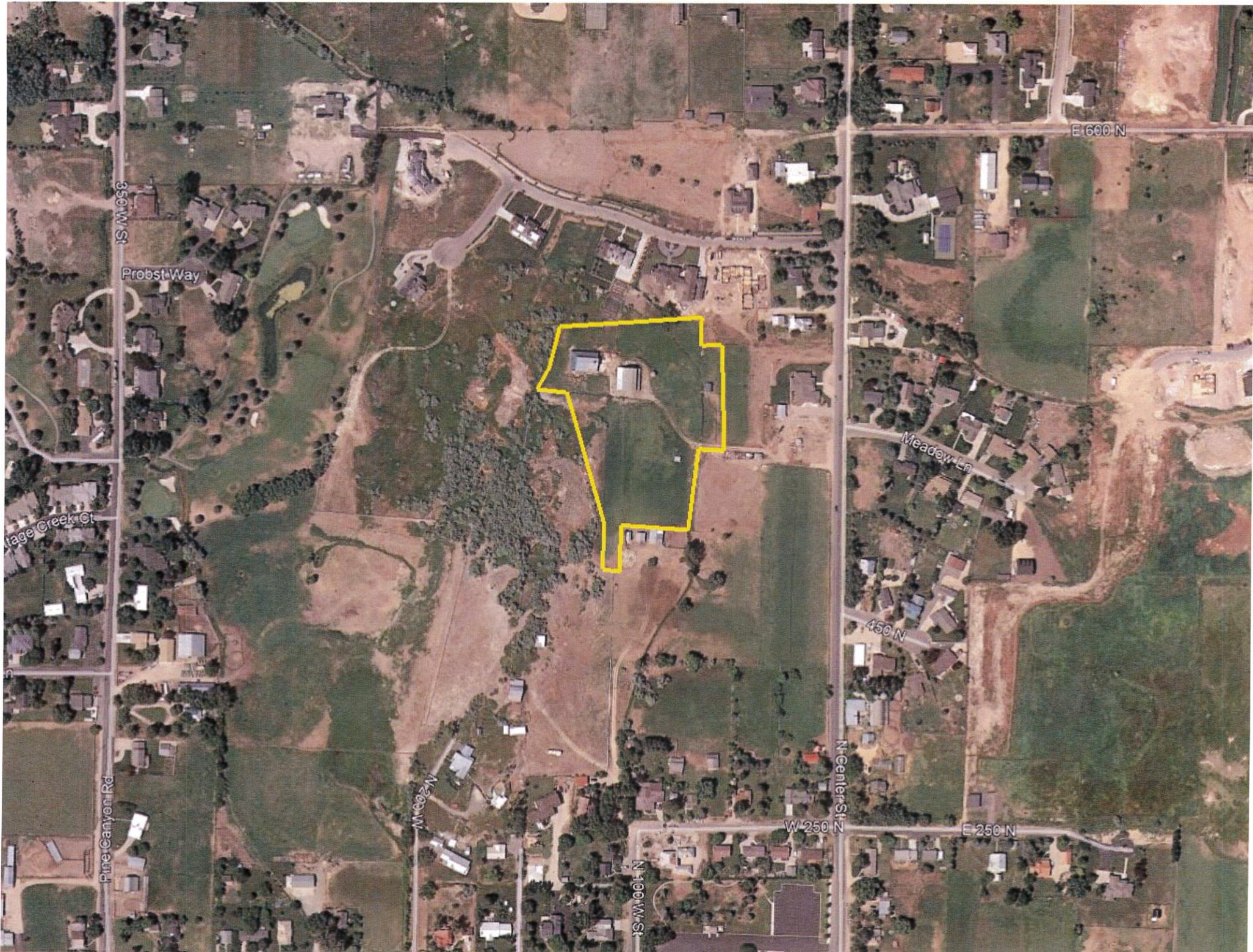
- It is not anticipated that this subdivision will generate and storm water along the private driveway.

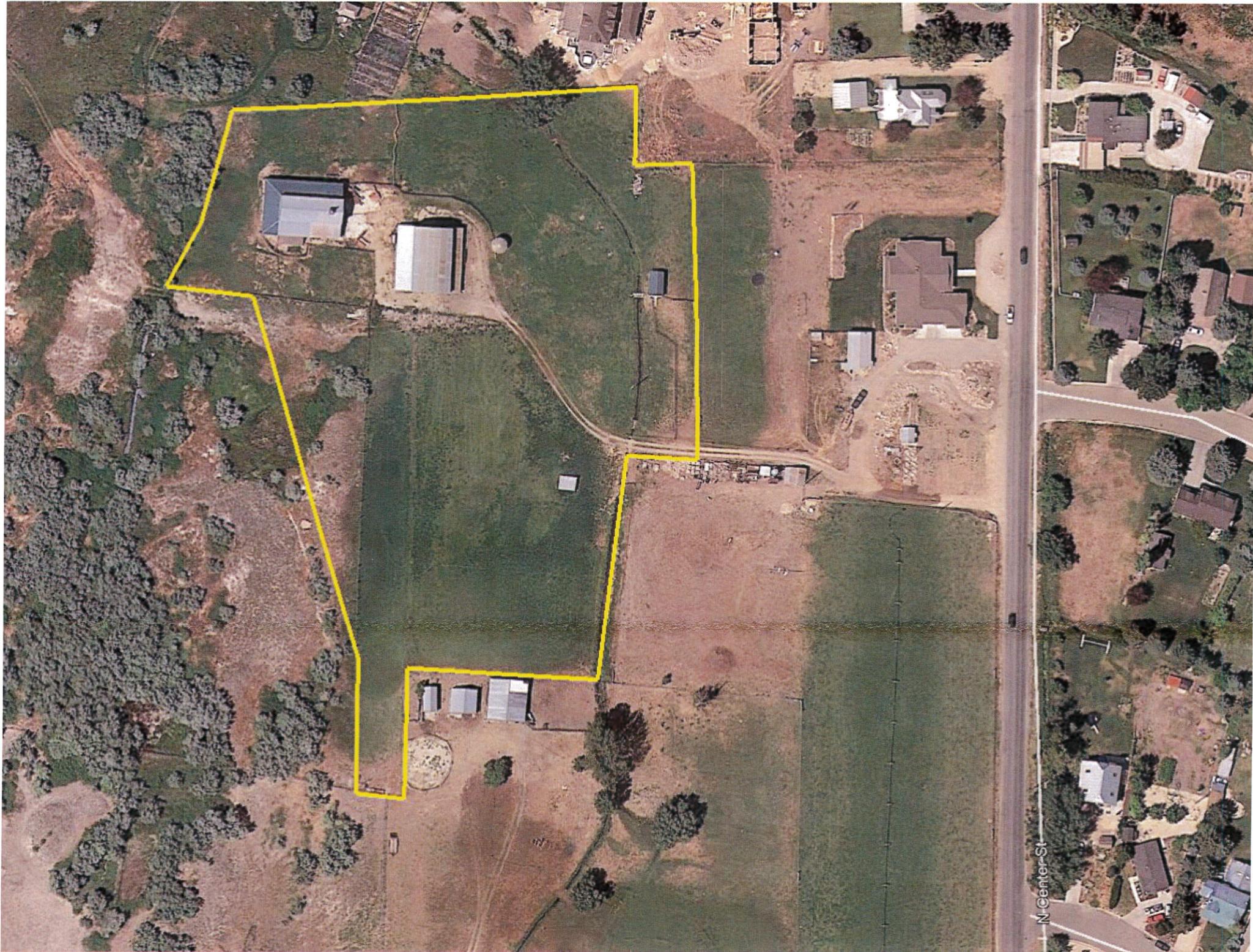
Please feel free to call our office with any questions.

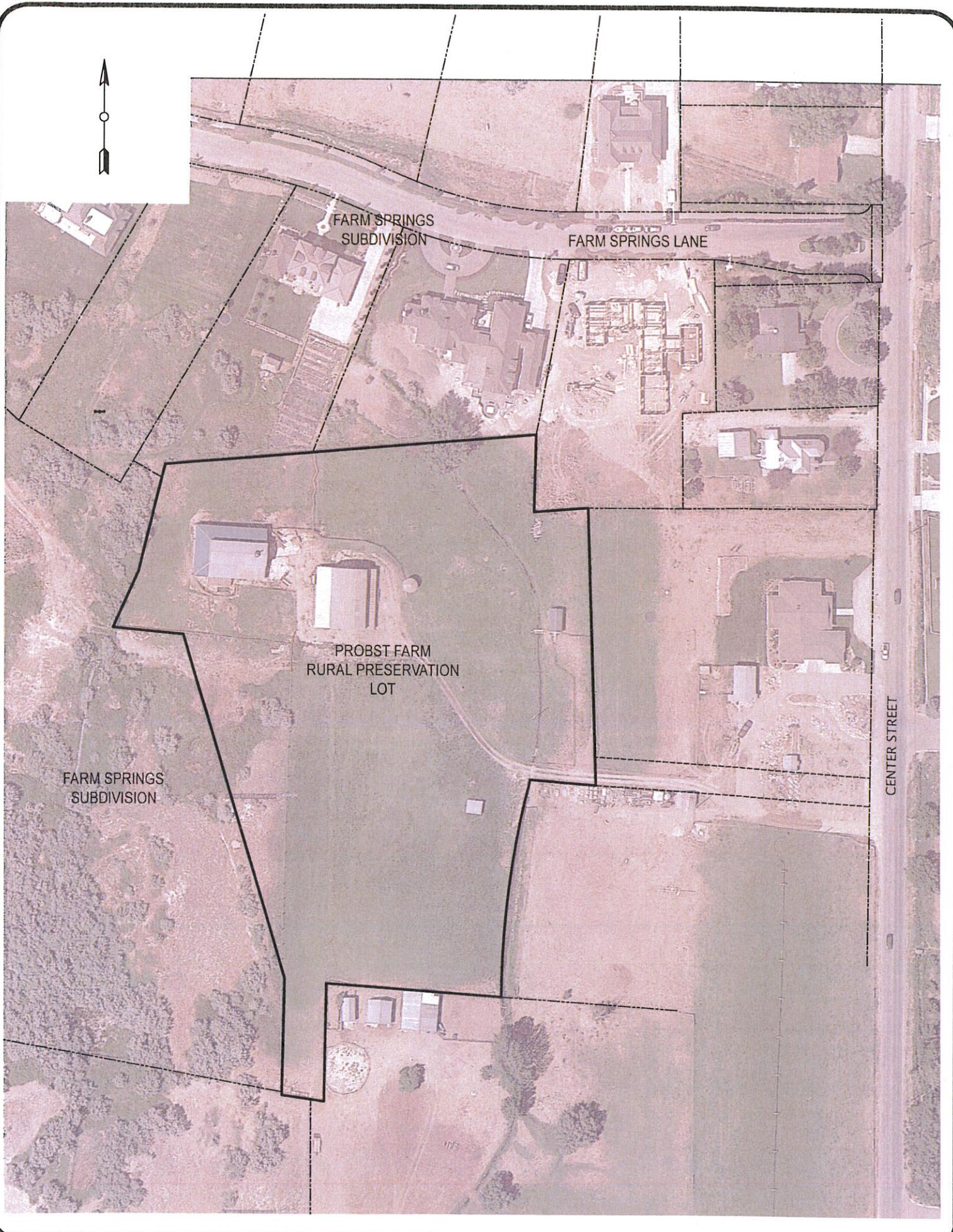
Sincerely,
HORROCKS ENGINEERS


Wesley Johnson, P.E.
Midway City Engineer

cc: Mike Johnston Developers Engineer, (e-mail)







FARM SPRINGS
SUBDIVISION

FARM SPRINGS LANE

PROBST FARM
RURAL PRESERVATION
LOT

FARM SPRINGS
SUBDIVISION

CENTER STREET





September 8, 2020

Dear Neighbor,

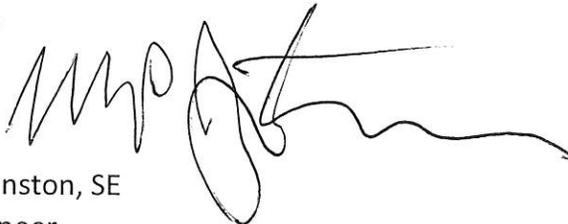
This letter is being sent to you per the requirements of the Midway City Code pertaining to Rural Preservation Lot Development. The purpose of this letter is so you can be informed of the request. You are not being asked to do anything.

Randall Probst, the owner of Parcel 06-2641 at 495 N Center St, has submitted an application to Midway City for a Rural Preservation Lot. The purpose of a rural preservation lot is to preserve Midway's rural character by permanently reducing the number of home sites per acre in exchange for simplified development infrastructure requirements. The attached exhibit shows this proposed single-family rural lot that is 5 acres in size.

Midway City will process the application according to the city regulations. You may submit written comments to the Midway City Planning Dept. and may also attend the public hearing that will be advertised.

If you have any questions you may contact Midway City Planning Dept, or the project engineer - Mike Johnston at Summit Engineering Group in Heber City, UT at 435-654-9229.

Kind Regards,



Michael P Johnston, SE
Principal Engineer
Summit Engineering Group, Inc