



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: August 13, 2019

NAME OF PROJECT: Haven Farms Rural Preservation Subdivision

NAME OF APPLICANT: Stephen Quesenberry

AGENDA ITEM: Preliminary/Final Approval

LOCATION OF ITEM: 1170 South Center Street

ZONING DESIGNATION: RA-1-43

ITEM: 4

Stephen Quesenberry, agent for Jeannette S. Higginson Trust and T&M Holdings LLC, is requesting preliminary/final approval of Haven Farms, a rural preservation subdivision. The proposal is for a 13-lot subdivision on 67.43 acres and is in the RA-1-43 zone. The property is located at 1170 South Center Street.

BACKGROUND:

This request is for preliminary/final approval of a Rural Preservation Subdivision on 67.43 acres and will contain 13 lots. There is one existing dwelling on the property which will be located on lot 6. There are also two detached structures, one is relatively large that was approved as an agricultural greenhouse, that will be located on lot 5. The 13 lots will access from two shared private driveways; four lots will access from the northern driveway and nine lots will access from the southern driveway. The lots vary in size from 2.48 acres to 10.02 acres. The density in the subdivision is one dwelling for every 5.19 acres. The property will be deed restricted so no further subdividing of any kind will be allowed within the subdivision plat. The density on the 67.43 acres will never be more than 13 dwelling units.

Currently the property is being used for agriculture. There is a FEMA floodplain that covers part of the property where Snake Creek crosses from the north side of the property to the east side. All future structures will need to comply with Section 16.14.8 that requires a 50' setback from the floodplain and all floors in structures must be at least elevated 18" above the base flood elevation shown on the FEMA flood insurance rate maps, as required by code.

There is an 8' paved public trail that will be placed on a 20' wide public trail easement planned along Center Street that will be built by the developer.

LAND USE SUMMARY:

- 67.46-acre parcel
- RA-1-43 zoning
- Proposal contains 13 lots
- Public trail along Center Street
- Private driveways
- 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 for the lots will be from two private driveways that will be built in the subdivision. a new road proposed by the applicant. The four lots will access from the north driveway and nine lots will access from the south driveway. There will be two access points to Hwy 113 that will need to be approved by UDOT. No other access will be allowed to Hwy 113. 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.

Per the Rural Preservation code, a maximum of five homes may access from one shared driveway. The applicant did apply for a variance that was approved by the Board of Adjustment on June 4, 2019 that allows nine dwellings to access from the southern driveway. The variance was granted based on hardships specific to this property regarding UDOT's spacing requirements for driveway accesses to a UDOT road with the classification of Hwy 113. The spacing requirement is 500' between access points and the developer currently has two access points but is unable to develop a third because of UDOT's spacing requirements. Whereas the City's code, as previously stated, would allow a third access point because only 200' are required

between access points. The applicant felt he was unfairly burdened because of UDOT's spacing requirements for access and the Board of Adjustment found that the required criteria to grant a variance was justified and granted the variance.

Driveway cross section – The application indicates the driveways will be 24' wide which does comply with the Rural preservation driveway standards.

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

Secondary Water Connection – The property currently has connections to the secondary irrigation system. The Water Board has recommended that meters are installed for the secondary system.

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

Center Street Trail – The developer will dedicate a 20' public trail easement along Center Street. The developer will build also build the 8' public trail that will be in the easement.

FEMA Floodplain – There is a FEMA floodplain that covers part of the property where Snake Creek crosses from the north side of the property to the east side. All future structures will need to comply with Section 16.14.8 that requires a 50' setback from the floodplain and all floors in structures must be at least elevated 18" above the base flood elevation shown on the FEMA flood insurance rate maps.

Geotechnical Study – A Geotechnical Study has not been submitted to the City.

WATER BOARD RECCOMDATION:

The Water Board recommended that 205.52 acre feet are tendered to the City before the plat is recorded. The total may be adjusted based on the final width of the driveways. There is a well onsite and the developer has asked about trading the water rights from the well to the City. A change application will need to be submitted to the State Engineer's Office to complete that process. Also, the lots will be required to install secondary water meters.

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the RA-1-43 zoning district

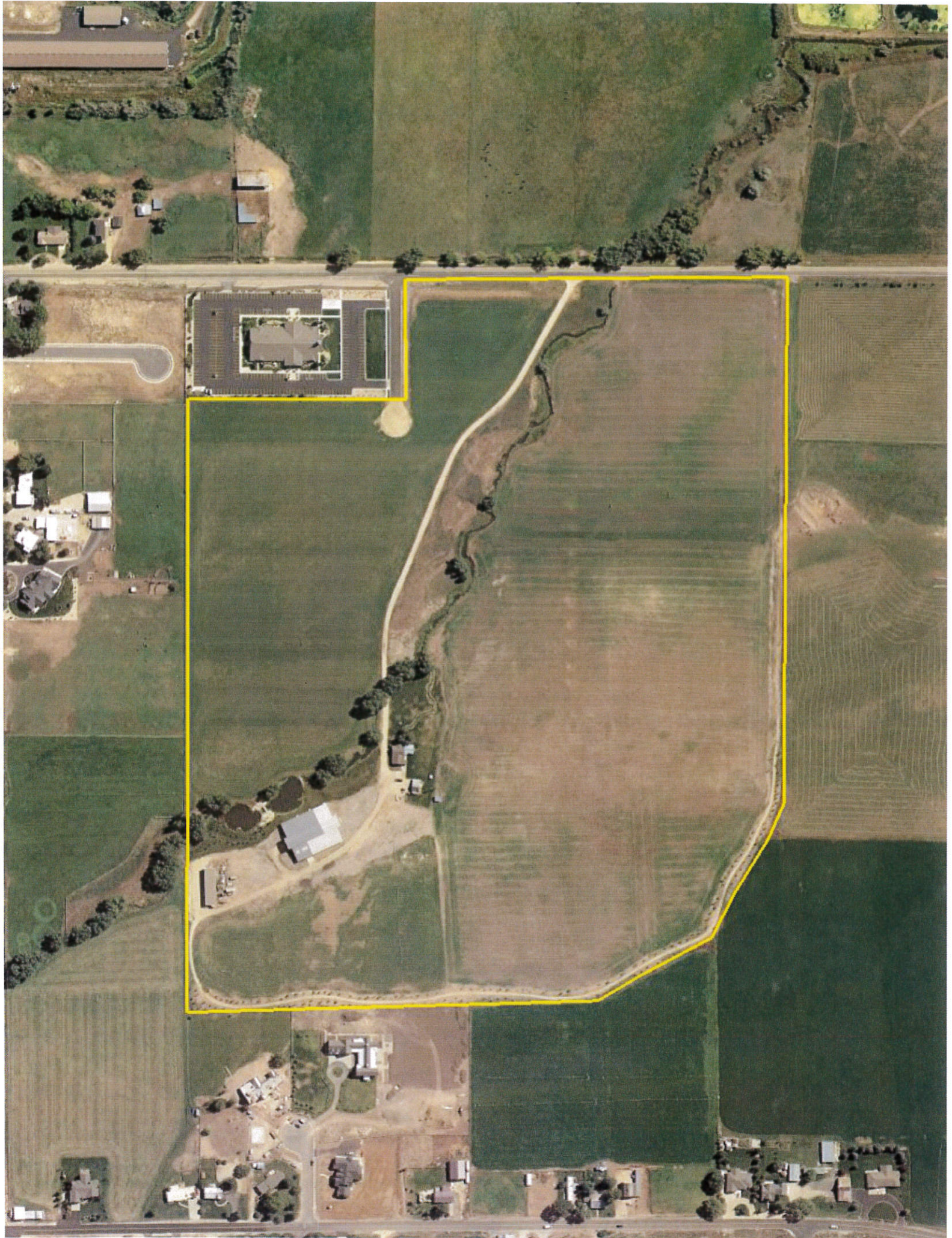
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district
- The proposal does comply with the requirements for the Rural Preservation Subdivision code
- The subdivision helps comply with the vision states in the General Plan to preserve open space and a rural atmosphere
- All 13 lots will be deed restricted so they can never be further subdivided
- The subdivision will build a public trail that will help complete the master trail plan which will make pedestrians safer by allowing them a place to recreate off of Hwy 113

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:

- CCRs must be submitted to the City for review
- Deed restrictions that will be recorded towards all 13 lots must be submitted to the City for review



CONTRACT NO.

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PROJECT INFORMATION

HAVEN FARMS
MIDWAY, UTAH

SCALE/DATE OF APPROVAL



DATE
7/8/2019
UT17-037.01

| NO. | REVISION | DATE |
|-----|----------|----------|
| 1 | AK | 8/1/2019 |
| 2 | AK | 8/1/2019 |
| 3 | AK | 8/1/2019 |
| 4 | AK | 8/1/2019 |
| 5 | AK | 8/1/2019 |
| 6 | AK | 8/1/2019 |
| 7 | AK | 8/1/2019 |
| 8 | AK | 8/1/2019 |
| 9 | AK | 8/1/2019 |
| 10 | AK | 8/1/2019 |

PLAN INFORMATION

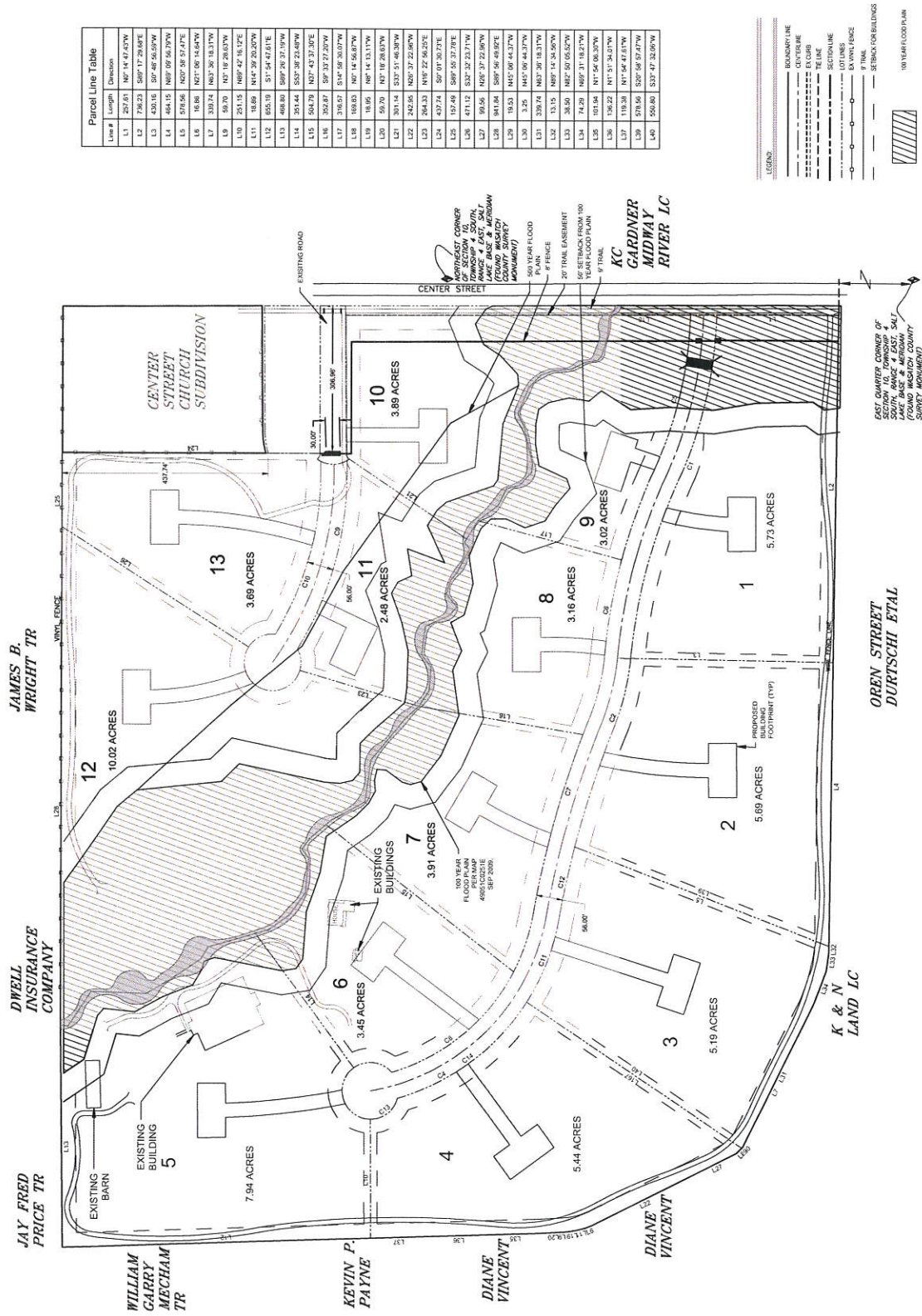


SHEET NAME

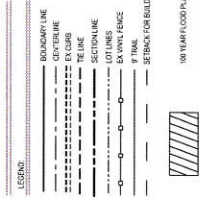
PRELIMINARY SUBDIVISION
PLAN

SHEET NUMBER

C-1.0



| Line # | Length | Direction |
|--------|--------|-----------------|
| L1 | 257.61 | N87°14'42.62"W |
| L2 | 738.23 | S89°17'29.88"E |
| L3 | 420.15 | S89°48'56.99"W |
| L4 | 464.15 | N89°09'59.79"W |
| L5 | 375.65 | N87°38'27.47"E |
| L6 | 18.86 | N87°06'14.62"W |
| L7 | 329.74 | N87°36'18.31"W |
| L8 | 59.70 | N87°18'28.03"W |
| L9 | 251.15 | N87°42'16.12"E |
| L10 | 18.86 | N44°39'20.20"W |
| L11 | 655.19 | S17°54'22.61"E |
| L12 | 468.80 | S89°26'22.19"W |
| L13 | 293.44 | S57°38'22.48"W |
| L14 | 504.79 | N37°43'27.30"E |
| L15 | 352.87 | S97°33'22.20"W |
| L16 | 318.63 | S14°58'50.07"W |
| L17 | 18.86 | N87°14'53.17"W |
| L18 | 30.79 | N87°18'28.03"W |
| L19 | 321.14 | S27°31'46.30"W |
| L20 | 242.26 | N87°27'22.96"W |
| L21 | 264.33 | N87°27'22.96"W |
| L22 | 437.74 | S87°01'20.72"E |
| L23 | 152.48 | S89°55'32.78"E |
| L24 | 471.12 | S32°32'23.17"W |
| L25 | 96.56 | N87°32'52.96"W |
| L26 | 941.64 | S89°56'48.92"W |
| L27 | 10.53 | N157°06'44.37"W |
| L28 | 325 | N45°59'44.37"W |
| L29 | 329.74 | N87°30'18.31"W |
| L30 | 13.15 | N87°14'53.17"W |
| L31 | 38.50 | N87°09'59.79"W |
| L32 | 74.28 | N87°31'18.27"W |
| L33 | 107.54 | N17°24'08.30"W |
| L34 | 152.22 | N17°27'30.07"W |
| L35 | 119.38 | N17°54'47.61"W |
| L36 | 575.56 | S207°56'47.47"W |
| L37 | 559.80 | S37°47'32.50"W |



PRELIMINARY PLANS

Section 16.18.3 (N) – A detailed Statement of how the Project will Meet Sensitive Lands

The proposed Haven Farms – Rural Preservation Subdivision (permitted Use RA-1-43) meets the sensitive lands requirements as outlined within the Sensitive Lands Overlay Zone and per the sensitive lands analysis checklist as follows;

A 50' set back is provided for the existing 100-Year flood plain along Snake Creek, and the maximum number of lots (13 lots total) have been delineated with appropriate building setbacks to meet the Midway City Municipal Codes respectively. This includes approximately 7,000 square feet of proposed buildable area to accommodate the minimum 3,000 square feet of home-and garage footprint with each having no buildable lot exceeding 25% slopes.

In addition to setbacks, the south roadway accommodates for the flood plain by providing a drainage culvert, so as not to impede water flow during a potential 100-Year event. Both proposed north and south cul-du-sacs also propose the use of grassed bio swales instead of curb and gutter to promote natural run-off as opposed to point source drainage.

Haven Farms is within 300' of an existing sewer line and, as a result, will tie into the City Sanitary Sewer system to eliminate the requirement for septic completely. This is significant in removing potential seepage into ground water and eventually into Snake Creek.

No public trails have been proposed within the flood plain or along Snake Creek to help sustain the natural ecosystem of the stream and to promote various wildlife habitats throughout the contiguous Snake Creek watershed and flood plain.

Although no designated open space is required within the permitted RA-1-43 zone, with all combined setbacks, flood plain, and proposed buildable pad areas, approximately 60.05 acres of the 67.45 acres of total new property area, will remain undeveloped to aid in preserving the natural features, wildlife habitat, and overall open space of the Haven Farms Subdivision and Snake Creek microclimate.

The intent of this project is to provide a scenic development through skilled and professional design and implementation that provides appropriate added design elements that will meet the current vernacular of the area while maintaining the natural character. Because of the existing natural slopes on the property, it is anticipated that the majority of the homes will be walkout style to take advantage of the natural slopes while allowing for more natural architecture blended with this native and natural landscape. Again, this style of design and development will promote a more visually pleasing natural design with minimal impacts.