



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: November 10, 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: 6

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 and 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. 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 and sewer.

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. 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.

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. 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:

- 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.

November 10, 2020

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

Subject: Scotch Fields Phase 2 Parcel #3 Plat Amendment

Dear Michael:

Horrocks Engineers recently reviewed Scotch Fields Phase 2 Parcel #3 Plat Amendment for preliminary / final approval. The following items should be addressed.

Roads

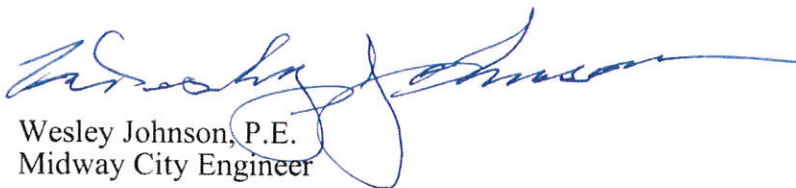
- The proposed amendment would create a 56' ROW for a future access / road to the property to the North of Parcel 3.

Trails

- If approved the existing trail should be relocated to the south at the time the proposed road is built. This would create a safer pedestrian crossing at an intersection.
- This new trail easement should be shown on the plat.

Please feel free to call our office with any questions.

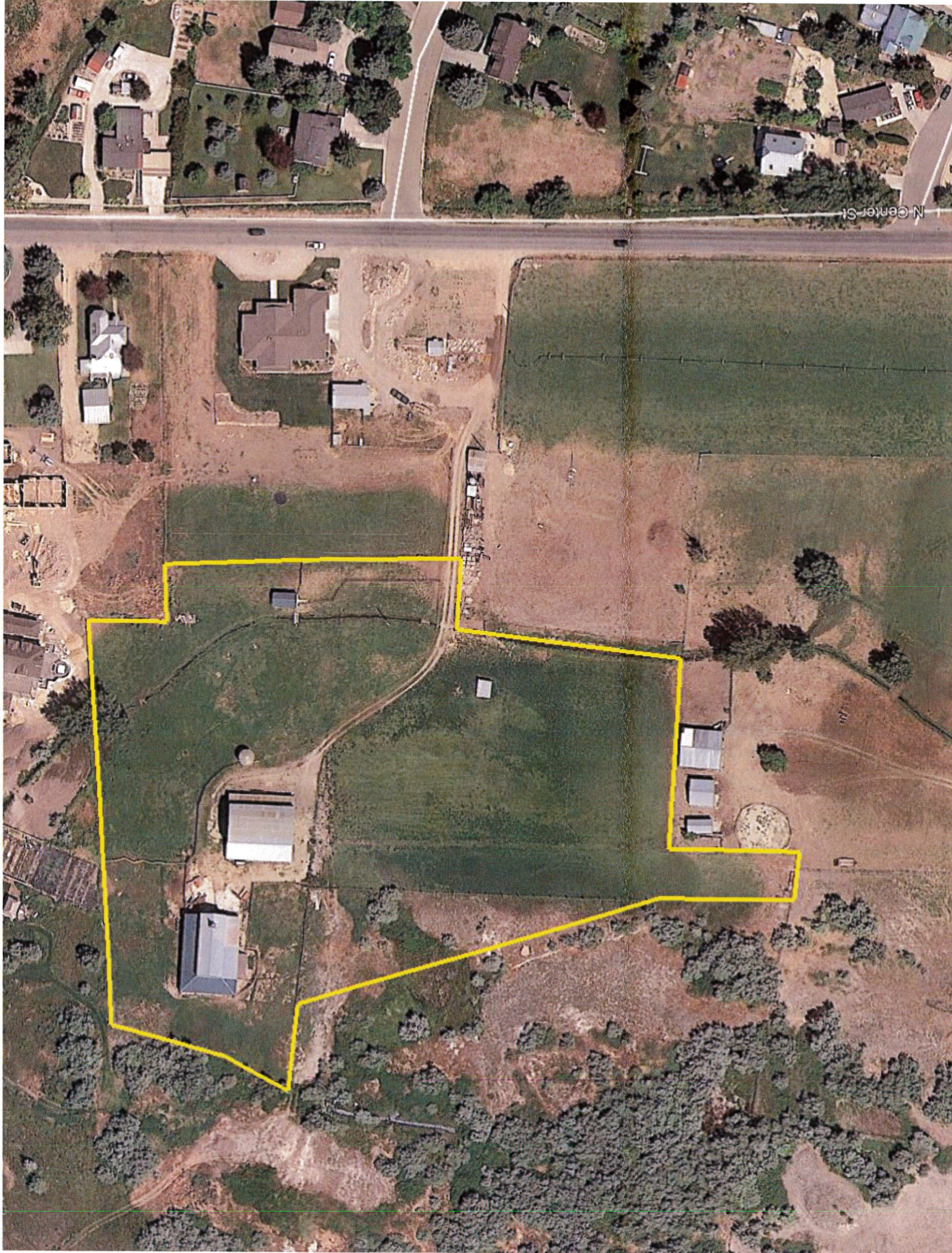
Sincerely,
HORROCKS ENGINEERS


Wesley Johnson, P.E.
Midway City Engineer

cc: Berg Engineering









SECTION 1000
ACQUANT PROPERTY LINES
PUBLIC UTILITY CASHEUT LINES
NON-BUILDABLE AREA LIMIT
EXTERIOR SHOOTING CORNERS, NEARBY AND CAP MARKED
"ELUENT BOUNDARY" PER RECORD OF SURVEY FILE NO. 1000
EXTERIOR SHOOTING CORNERS, 3/4" REDDAR AND CAP
MARKED SHOOTING CORNERS
SHOOTING LINES, NON-BUILDABLE AREA

LOCATED IN THE NE 1/4 OF
SECTION 34, TOWNSHIP 3 SOUTH,
RANGE 4 EAST, SLB&M
WASATCH COUNTY, UTAH

CONFIDENTIAL (b) (3) (C)
Liquor & Wine & Spirits, LLC/ALCOA, INC.

REDACTED SECTION

IT IS A VIOLATION OF LAW FOR ANY PERSON, WHICHEVER THAT PERSON BE, TO knowingly or recklessly disseminate, publish, or otherwise make available to the public, or to attempt to do so, any information that is contained in any document or information that is exempt from public release under the provisions of the Freedom of Information Act, 5 U.S.C. 552, and that is not otherwise available to the public.



Summit Engineering Group Inc.
Structural • Civil • Surveying
30 WEST CONYER • P.O. BOX 119
KANSAS CITY, MISSOURI 64101
435-884-8278 • F. 435-884-8278

PROJECT	L20-158
SHEET	1 OF 1
ISSUE DATE	06/10/2020

I, KEVIN M. BALLS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 11207308 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND EASEMENTS.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 89°17'36" WEST BETWEEN WASATCH COUNTY SURVEY MONUMENTS FOR THE NORTHEAST CORNER AND NORTH QUARTER CORNER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796

1. THE UNDERSIGNED OWNERS OF ALL THE REAL PROPERTY DEVOTED ON THIS PLAT AND DESCRIBED IN THE BOUNDARY DESCRIPTION ON THIS PLAT HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE USED AS DESCRIBED ON THIS PLAT, AND NOW DO HEREBY GRANT TO THE CITY OF DENVER, COLORADO, THE RIGHT TO TAKE AND HOLD THE LAND DESCRIBED ON THIS PLAT FOR THE DEVELOPMENT OF PARKS, RECREATION, AND OTHER PLACES OF PUBLIC USE, TOGETHER WITH ALL IMPROVEMENTS REQUIRED BY THE DEVELOPMENT AGREEMENT BETWEEN THE UNDERSIGNEDS AND MONROV CITY FOR THE BENEFIT OF THE CITY AND THE INHABITANTS THEREOF.

KAY PRICEST FAMILY LIVING TRUST DATED JUNE 6,

STATE OF UTAH
COUNTY OF WASHINGTON

ON THIS DAY OF _____ PERSONALLY APPEARED BEFORE ME, RANDALL S. PROBERT, JUDGE OF THE DISTRICT COURT OF THE ABOVE COUNTY, the SIGNED OF THE ABOVE, OWNER'S EDOGATION, WHO DULY ACKNOWLEDGED TO ME THAT HE SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREON MENTIONED.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

THE CITY BOARD OF SAN JOSE, MINISTRO COUNTY, CALIFORNIA, HAS APPROVED THE WELLSUIT FOR THE CONDITIONS AND INTERESTS STATED HEREIN, AND HERBY ACCEPTS THE GRANT OF PUBLIC UTILITY EXEMPTIONS.

 MAYOR

ATTORNEY	DATE	MURRAY BRIGGS	DATE
CITY ENGINEER	DATE	MURRAY SANITATION DISTRICT	DATE

CHAIRMAN	PLANNING COMMISSION	DATE

APPROVED AS TO FORM THIS DAY OF _____
 NOS # _____
 COUNTY SURVEYOR _____
 DATE _____

COUNTY / _____ DOOR _____ PAGE _____
 DATE _____ TIME _____ FEE _____
 OR _____
 N. _____ WASHAET COUNTY RECORDER PEGGY FOT BLAKE



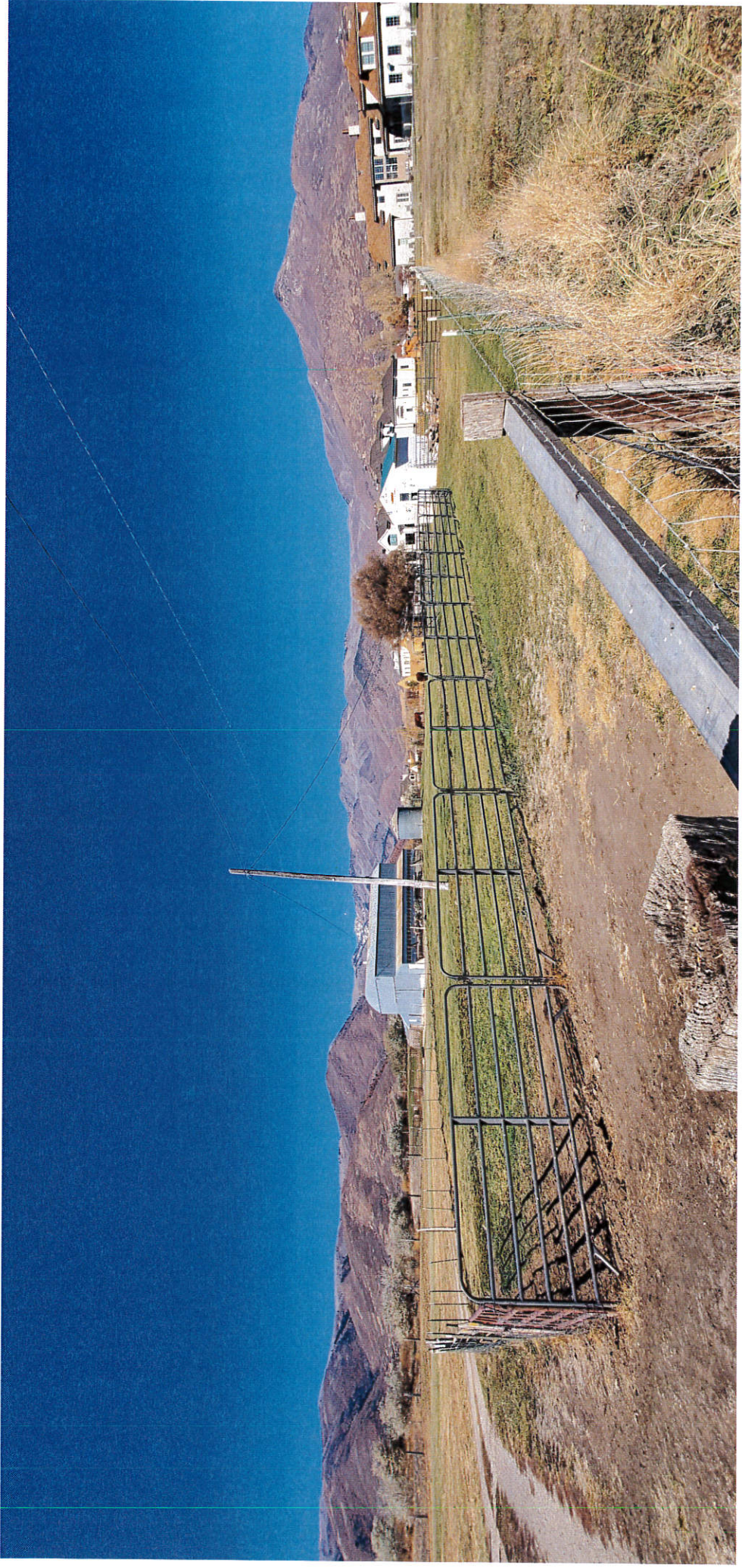
FARM SPRINGS
SUBDIVISION

FARM SPRINGS LANE

PROBST FARM
RURAL PRESERVATION
LOT

FARM SPRINGS
SUBDIVISION

CENTER STREET





September 8, 2020

Dear Neighbor,

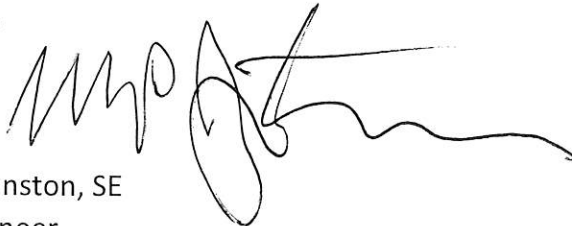
This letter is being sent to you per the requirements of the Midway City Code pertaining to Rural Preservation Lot Development. The purpose of this letter is so you can be informed of the request. You are not being asked to do anything.

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