

Midway City Council  
18 April 2023  
Regular Meeting

Kay's Landing Subdivision /  
Revised Final Approval



**Midway**

**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** March 7, 2023  
**NAME OF PROJECT:** Kay's Landing  
**NAME OF APPLICANT:** Berg Engineering  
**OWNER OF RECORD:** Still Water Holdings LLC  
**AGENDA ITEM:** Revised Final Approval  
**LOCATION OF ITEM:** 1591 Stringtown Road  
**ZONING DESIGNATION:** RA-1-43

**ITEM: 6**

Berg Engineering, agent for Still Water Holdings LLC, is proposing to revise final approval of a five-lot subdivision to be known as Kay's Landing. The property is 11.14 acres and is located at approximately 1375 South Stringtown Road and is in the RA-1-43 zone.

**BACKGROUND:**

The applicant is proposing to amend final approval of the Kay's Landing subdivision. The proposed amendment would relocate the required open space from Lot 1 to Lot 5. It appears the proposed change does comply with current code requirements for open space. The current approved plan has the open space on Lot 1. Lot 1 also contains a 60' access easement of which there was discussion during the City Council meeting when final approval was granted. Since the current approval with the open space located on Lot 1, in

which the open space covered the access easement, it was determined that a road could not be placed in the easement. Since final approval was granted, the applicant has provided a recorded document that states that one of the purposes of the easement is for a future public road (see attached). Moving the open space from Lot 1 to Lot 5 would make a future road a more likely possibility. At some future date, when an application is submitted that would make the easement a road, the City's code at that point in time will apply and all requirements of the future code would need to be met for a road to be built. There is no vesting with the Kay's Landing current approval or revised approval that the City will approve a future road.

The following is the original staff report from the March 7, 2023, City Council meeting:

This request is for final approval of Kay's Landing, a large-scale subdivision on 11.14 acres that will contain five lots. All the proposed lots in the subdivision will obtain frontage along a new cul-de-sac that will be built within the subdivision. The property has been approved for annexation by the City Council and is in the process of being approved for annexation by the State. Once the property is annexed into Midway it will be zoned RA-1-43 which allows single-family dwellings on lots an acre or greater in size.

The General plan describes the RA-1-43 zone as the following:

*The RA-1-43 zone (43,000 sf lot) has been established for the primary purpose of providing low-density areas in the City where livestock can be maintained. This zone is currently characterized by large lots or tracts of land with occasional dwelling units, barns, corrals, and agricultural service buildings in connection with farming operations.*

#### **LAND USE SUMMARY:**

- 11.14-acres
  - 1.67 acres of open space
- RA-1-43 zoning
- Proposal contains five single family building lots
- Access to the lots is provided by a new public-cul-de-sac that will be built in the subdivision
- There are no known sensitive lands on the property
- The lots will connect to the Midway Sanitation District's sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary waterline

## **ANALYSIS:**

*Access/Roads* – Access will be from Stringtown Road to a new cul-de-sac that will be dedicated to Midway. The new cul-de-sac complies with the maximum cul-de-sac length of 1,300’ and maximum lot count on a cul-de-sac of eleven.

*Frontage and width* – The land use code requires that all lots meet the minimum frontage requirements for the zone. The RA-1-43 zone requires 150’ of frontage except there is a 60’ minimum for frontage if 75% of the frontage is contained within the bulb of a cul-de-sac. All lots must have at least 150’ of width measured at the minimum setback for the RA-1-43 zone which is 50’ for single-family dwellings. All lots appear to meet these requirements.

*Trails* – The developer will install an 6-8’ public trail along the street from Stringtown Road to the end of the cul-de-sac.

*Geotechnical Study* – A Geotechnical Study has been submitted to the City. Horrocks Engineers has reviewed the study (see attached letter).

*Sensitive Lands* – The applicant has not identified any sensitive lands that are in the proposed development (see attached).

*Culinary Water Connection* – The lots will connect to existing Midway culinary water lines located in the area.

*Sewer Connection* – The lots will connect to existing Midway Sanitation District sewer lines located in the area.

*Fire Flow* - A fire hydrant will need to be located within 600’ of any future dwellings, measured by the route of a fire hose from the fire hydrant to the future home site.

*Secondary Water Connection* – The lots will connect to Midway Irrigation Company’s secondary water system which is already servicing the property. Secondary water meters are required for each lateral.

*Traffic study* – A traffic study is not required for this proposal since there are less than 15 lots.

*Open Space* – Open space has been included on the proposed plans. The required 15% (1.67 acres) open space has been included within the area of lot 1. Open space may be designated within a lot that is at least two acres in size. The portion of the lot that counts towards the required open space obligation needs to be clearly identified on the plat along with a note stating that the open space is unbuildable and clarifying what uses can occur on the open space.

*Storm Water* – Storm water runoff will be captured and retained onsite in a pond located on lot 5. The applicant will need to ensure that the storm drain easement on lot 5 is clearly marked on the plat. The City will maintain the right to access the pond for future maintenance and emergency access. The plat will need to include a note requiring the owner of lot 5 to provide a 10' (minimum) access gate if a fence or some other type of barrier or obstruction is proposed to be erected on the lot inhibiting access over the access easement.

**WATER BOARD RECOMMENDATION:**

The Water Board reviewed the proposal and made a recommendation on November 7, 2022, that 31.97 acre feet are dedicated to the City before the plat is recorded. The required water rights are sufficient for five culinary connections and the outside irrigation of the five lots based on the following formula:

- 11.14-acre parcel (485,258.4 sq. ft.)
- 9.6-acre lot area (418,176 sq. ft.)
  - Impervious area for dwelling, accessory structures, hard surfaces
    - 0.92 acres (5 x 8,000 sq. ft. = 40,000 sq. ft.)
  - Irrigated acreage
    - 8.68 acres x 3 = 26.04 acre feet
    - 0.61 acres in park strip x 3 = 1.83 acre feet
  - Total irrigated acreage 9.29 (27.87 acre feet)
- 5 culinary connections
  - 4 acre feet
- 31.87 acre feet requirement

**PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Wardle: I make a motion that we recommend approval final approval of a five-lot subdivision to be known as Kay’s Landing. The property is 11.14 acres and is located at approximately 1375 South Stringtown Road and is in the RA-1-43 zone. Accept the staff report and the one condition in the staff report.

**Seconded:** Commissioner Garland

**Chairman Simons:** Any discussion on the motion?

**Chairman Simons:** All in favor.

**Ayes:** Commissioners: Nokes, Osborne, Wardle and Garland

**Nays:** None

**Motion:** Passed

**POSSIBLE FINDINGS:**

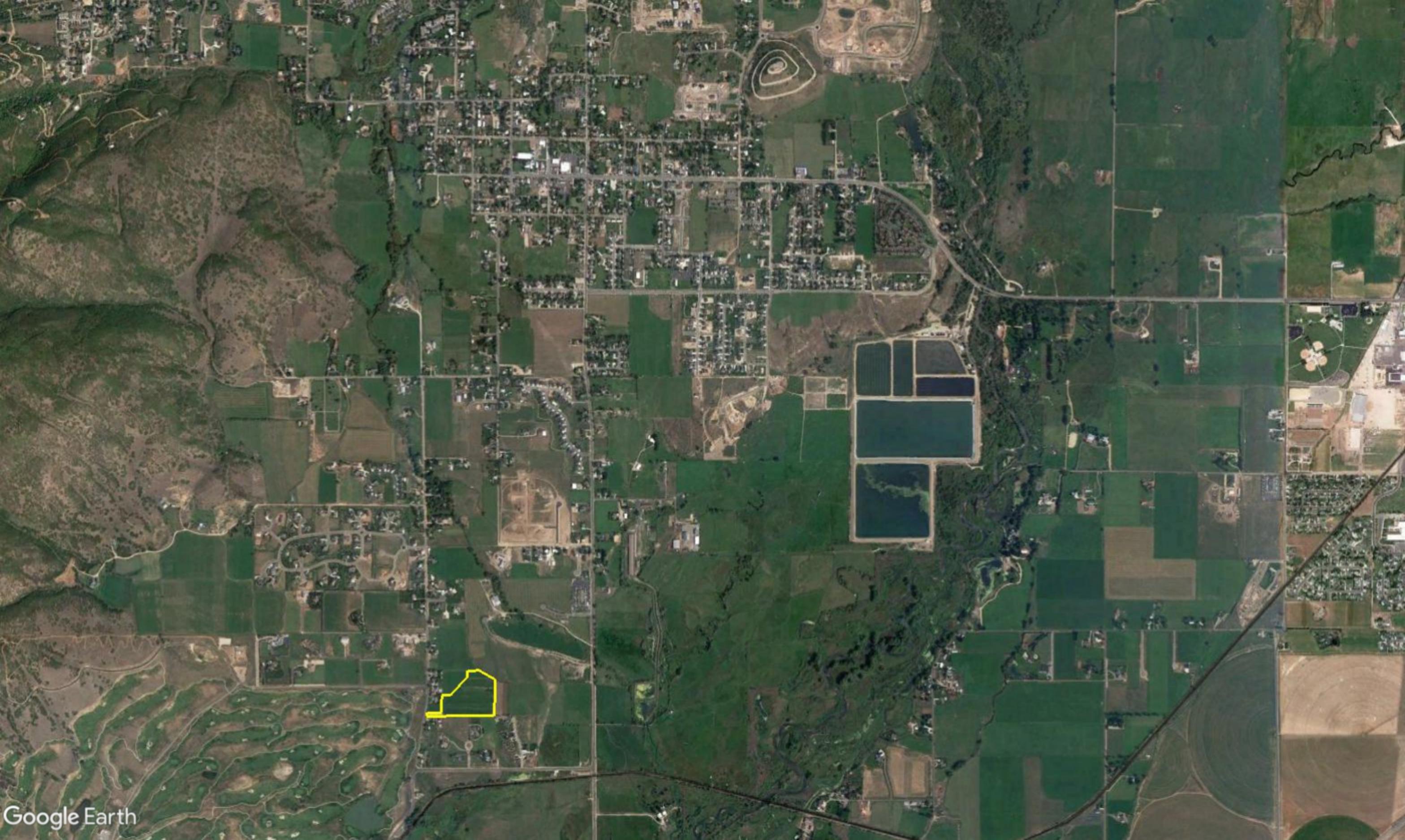
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district.
- The proposal does comply with the land use requirements of the RA-1-43 zoning district.
- The application does comply with the open space requirements by designating 1.67 acres of open space has been included within the boundary of lot 1.
- The property is restricted to five lots by a private deed restriction and by the annexation agreement.
- The duration of final approval shall be for one year from the date of final approval of the development by the City Council. Should a final plat not be recorded by the County Recorder within the one-year period of time, the development's approval shall be voided, and both preliminary and final approvals must be re-obtained, unless, on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions.

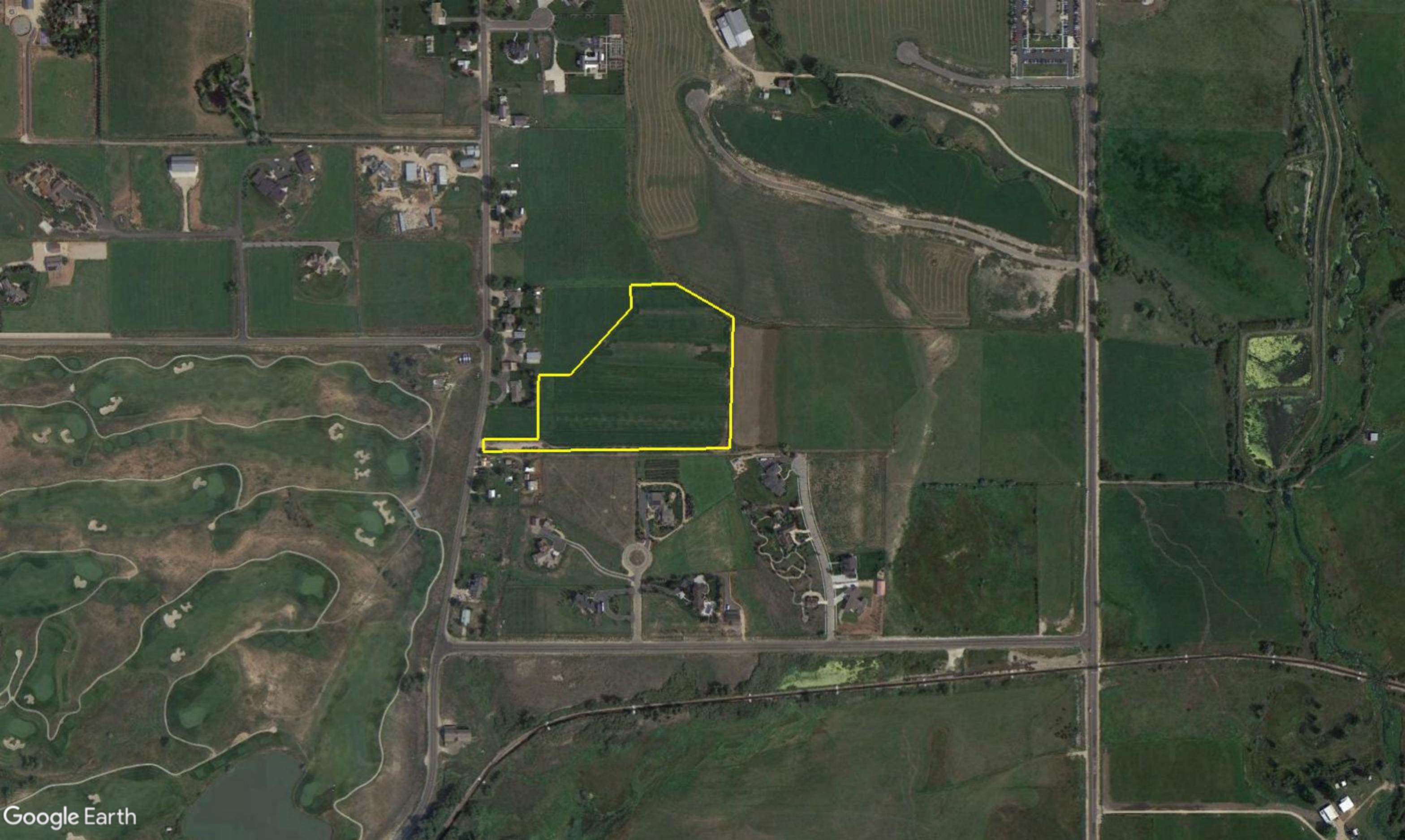
**ALTERNATIVE ACTIONS:**

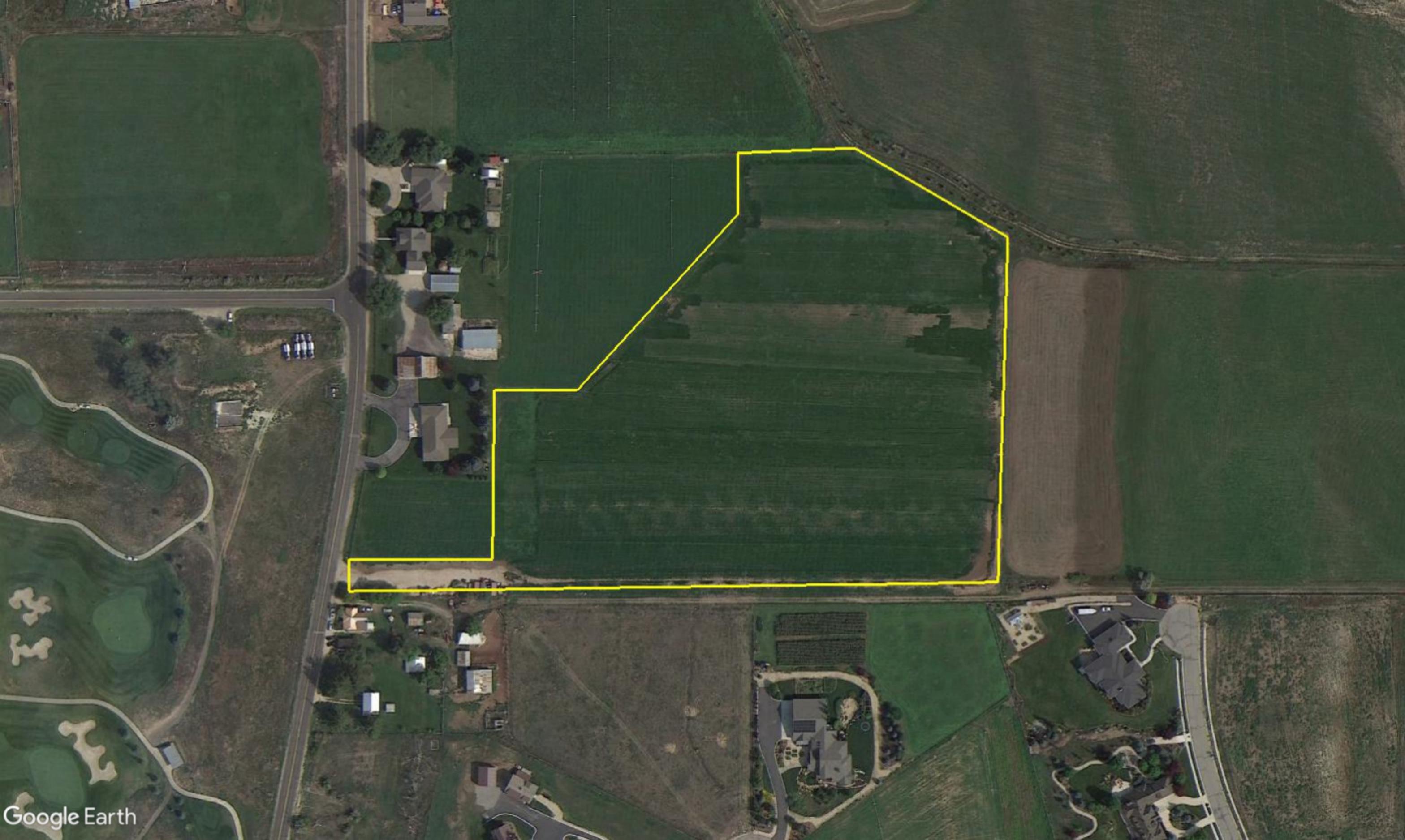
1. Approval (conditional). This action can be taken if the City Council finds that conditions placed on the approval can resolve any outstanding issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
  
2. Continuance. This action can be taken if the City Council finds 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

**PROPOSED CONDITION:**

1. The applicant must contribute to the planned bike lane an amount approved by the City Engineer before the plat is recorded.







# KAY'S LANDING

LOCATED IN THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

FOUND WASATCH COUNTY BRASS CAP IN CONCRETE MARKING THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

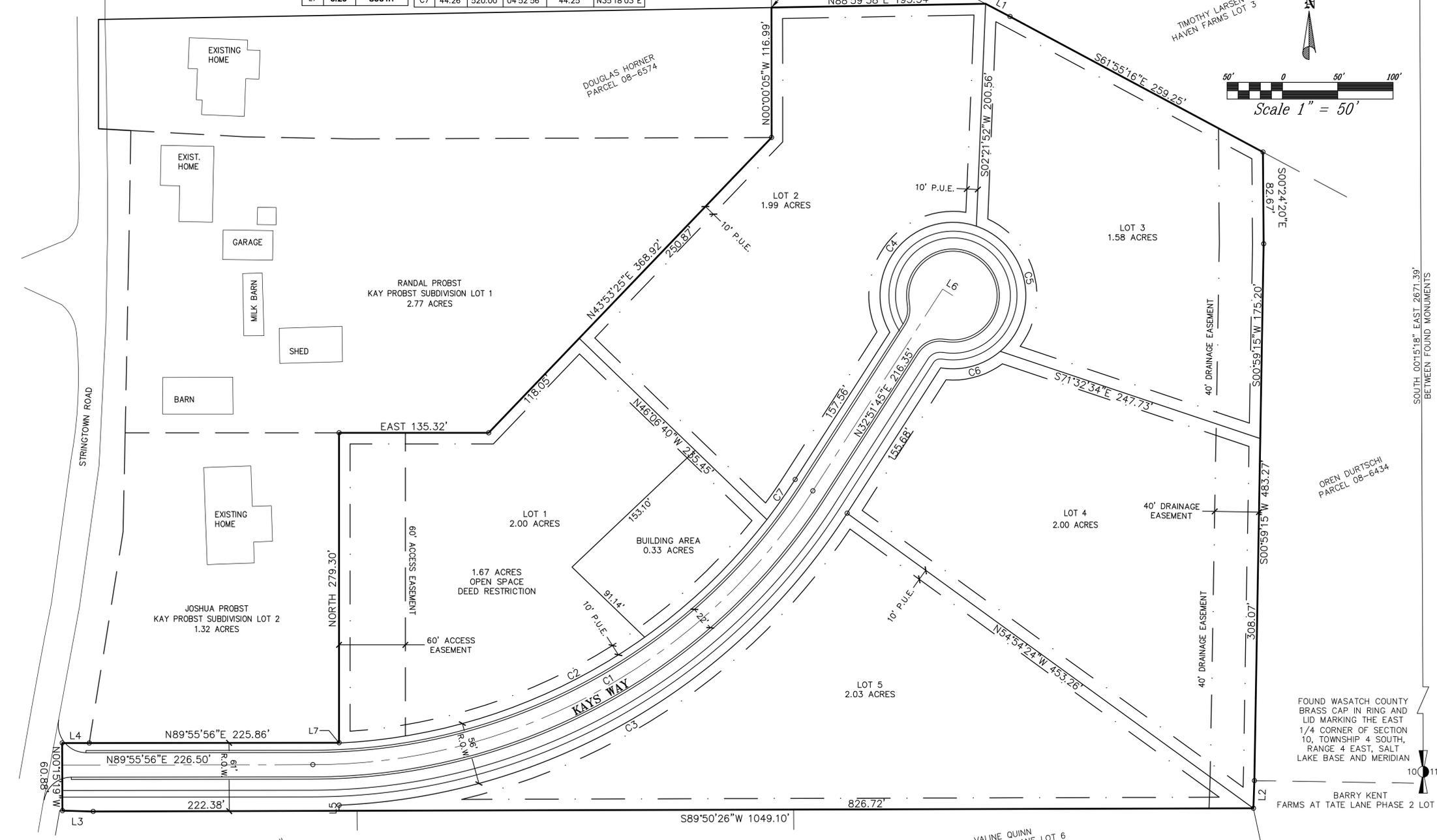
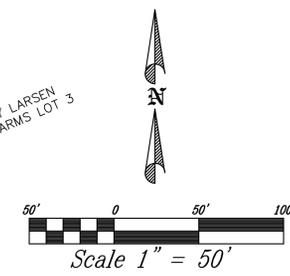
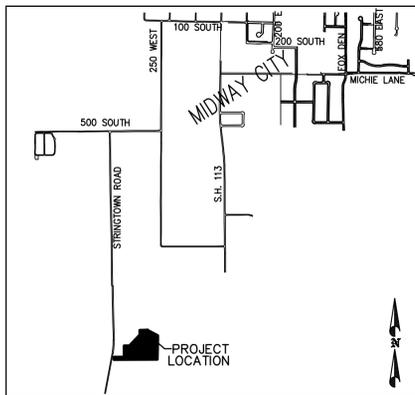


NORTH 89°27'41" WEST 5311.77' BETWEEN MONUMENTS (BASIS OF BEARING)



FOUND WASATCH COUNTY BRASS CAP IN RING AND LID MARKING THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

LINE TABLE			CURVE TABLE						
LINE	LENGTH	DIRECTION	#	LENGTH	RADIUS	DELTA	CD. LENGTH	CD. BEARING	
L1	24.88'	S62°22'36"E	C1	536.87'	539.00'	57°04'11"	514.95'	S61°23'51"W	
L2	24.90'	S02°06'03"W	C2	449.93'	520.00'	49°34'29"	484.78'	N62°05'08"E	
L3	27.68'	N88°26'05"W	C3	550.03'	539.00'	54°42'45"	529.37'	N60°13'08"E	
L4	24.46'	N89°55'56"E	C4	160.04'	66.00'	138°56'10"	123.61'	N39°21'59"E	
L5	5.00'	SOUTH	C5	138.89'	66.00'	120°34'36"	114.65'	S10°52'38"E	
L6	11.00'	N57°08'15"W	C6	57.89'	66.00'	50°15'06"	56.05'	S74°32'13"W	
L7	0.26'	SOUTH	C7	44.26'	520.00'	04°52'56"	44.25'	N35°18'03"E	



**SURVEYOR**  
TROY L. TAYLOR, PLS  
ELEMENT LAND SURVEYING  
2296 SOUTH 270 EAST  
HEBER CITY, UT 84032  
PHONE (801) 657-8748  
DATE OF SURVEY: JUNE 2018

- LEGEND**
- ⊙ FOUND REBAR WITH CAP MARKED CIVIL SOLUTIONS
  - ⊙ SET REBAR CAP MARKED ELEMENT

DATE: \_\_\_\_\_  
MIDWAY IRRIGATION COMPANY

DATE: \_\_\_\_\_  
MIDWAY SANITATION DISTRICT

COUNTY RECORDER

COUNTY SURVEYOR

APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

ROS # \_\_\_\_\_

\_\_\_\_\_  
COUNTY SURVEYOR

## SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, TROY 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) \_\_\_\_\_

## BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED NORTH 89°27'41" WEST ALONG THE SECTION LINE 2008.42 FEET AND SOUTH 616.05 FEET FROM THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE NORTH 88°59'38" EAST 193.54 FEET ALONG A FENCE LINE; THENCE SOUTH 62°22'36" EAST 24.88 FEET; THENCE SOUTH 61°55'16" EAST 259.25 FEET; THENCE ALONG A FENCE LINE THE FOLLOWING 3 (THREE) CALLS, SOUTH 00°24'20" EAST 82.67 FEET, SOUTH 00°59'15" WEST 483.27 FEET, AND SOUTH 02°06'03" WEST 24.90 FEET TO A FENCE CORNER; THENCE SOUTH 89°50'26" WEST 1049.10 FEET ALONG A FENCE LINE; THENCE NORTH 88°26'05" WEST 27.68 FEET ALONG A FENCE LINE; THENCE NORTH 00°15'19" WEST 60.88 FEET; THENCE NORTH 89°55'56" EAST 250.32 FEET; THENCE NORTH 279.04 FEET; THENCE EAST 135.32 FEET; THENCE NORTH 43°53'25" EAST 368.92 FEET; THENCE NORTH 00°00'05" WEST 116.99 FEET TO THE POINT OF BEGINNING.

AREA = 11.14 ACRES

## BASIS OF BEARING

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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, PUBLIC ROAD RIGHT-OF-WAY AND UTILITY EASEMENTS AND HEREBY DEDICATE THOSE AREAS LABELED AS SHARED DRIVEWAY EASEMENTS AND UTILITY EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

BY: \_\_\_\_\_  
STILL WATER HOLDINGS 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

PLANNING DIRECTOR CHAIRMAN, PLANNING COMMISSION

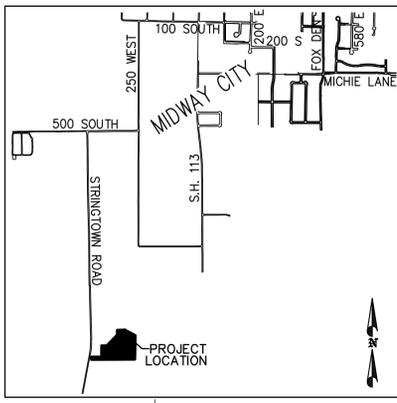
## KAYS LANDING SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH  
LOCATED IN THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
SCALE: 1" = 50 FEET

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

# KAY'S LANDING

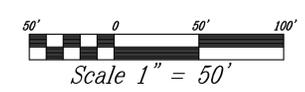
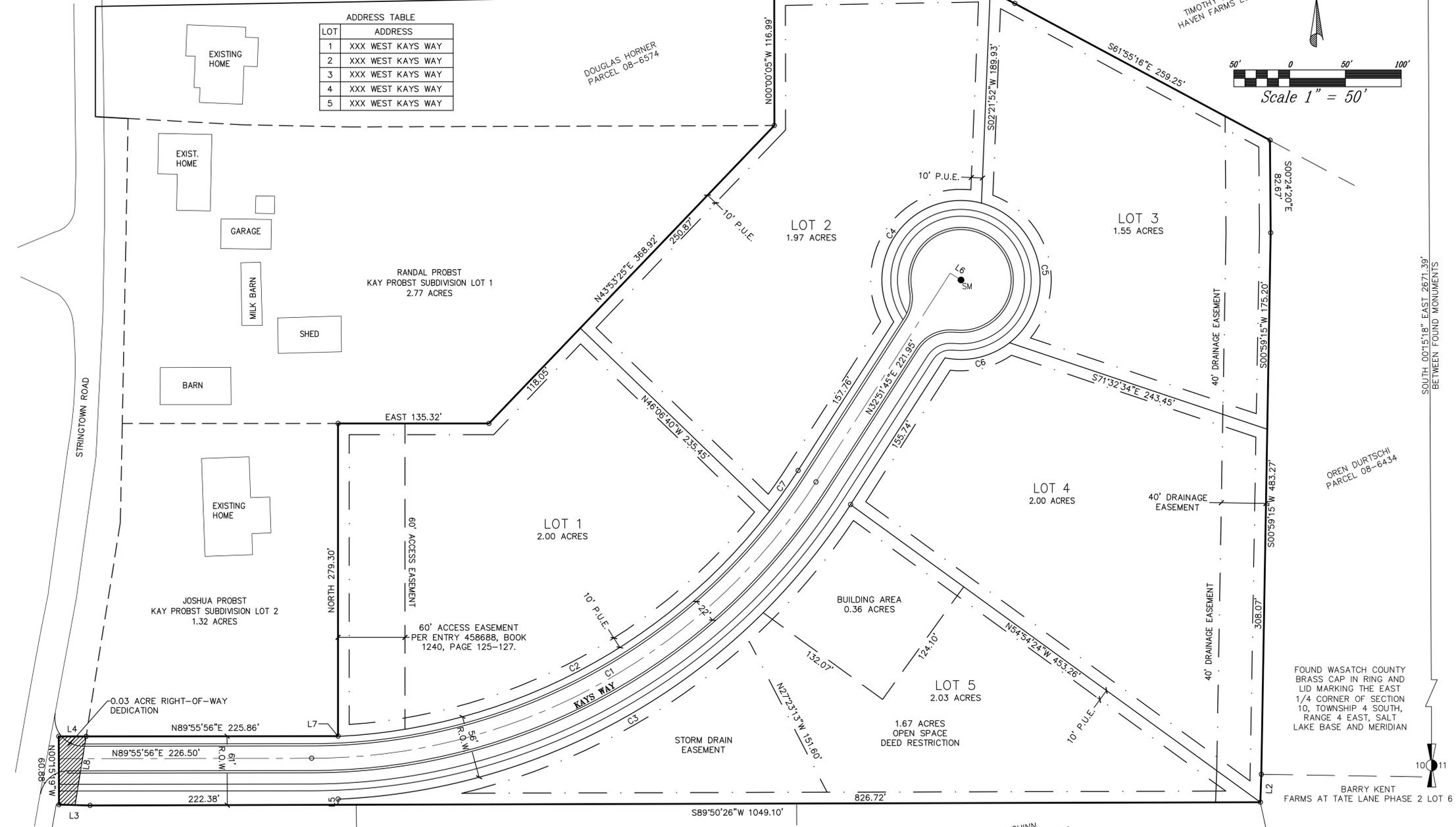
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L8	62.09'	N09°09'35"E						

LOT	ADDRESS
1	XXX WEST KAYS WAY
2	XXX WEST KAYS WAY
3	XXX WEST KAYS WAY
4	XXX WEST KAYS WAY
5	XXX WEST KAYS WAY



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  - SET REBAR CAP MARKED ELEMENT
  - SURVEY MONUMENT

DATE: \_\_\_\_\_  
MIDWAY IRRIGATION COMPANY

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BY: \_\_\_\_\_  
STILL WATER HOLDINGS LLC

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APPROVED \_\_\_\_\_ ATTEST \_\_\_\_\_  
MAYOR CLERK-RECORDER  
(SEE SEAL BELOW)

APPROVED \_\_\_\_\_ APPROVED \_\_\_\_\_  
CITY ENGINEER CITY ATTORNEY  
(SEE SEAL BELOW)

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APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY THE \_\_\_\_\_ CITY PLANNING COMMISSION

PLANNING DIRECTOR CHAIRMAN, PLANNING COMMISSION

## KAYS LANDING SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH  
LOCATED IN THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
SCALE: 1" = 50 FEET

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

## GRANT OF RIGHT-OF-WAY

The undersigned, Randall K. Probst, Successor Trustee of the Kay Probst Family Living Trust, dated June 6, 1995 (GRANTOR,) for good and valuable consideration, does hereby grant and convey to Randall K. Probst, Successor Trustee of the Kay Probst Family Living Trust, dated June 6, 1995 (GRANTEE) and their successors, assigns, lessees, and agents, a perpetual Right-of-Way upon and over the following described land which the Grantor owns or in which the Grantor has any interest in Wasatch County, UT, to-wit:

See Attached Legal Description

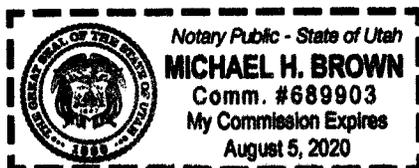
This Right-of-Way granted herein over and across the above described property shall be perpetual for ingress and egress for vehicular and pedestrian traffic, and also for the installation, repair, maintenance, and replacement of underground sewer, water, gas, electric, communication lines, and all other customary utility services, and also for the purpose of a future public road (including curb, gutter, sidewalk, pavement, and landscaping) and public utilities when necessary to provide public access to the adjacent property currently owned by Randall K. Probst, Successor Trustee of the Kay Probst Family Living Trust, dated June 6, 1995.

WITNESS THE HAND OF SAID GRANTOR THIS 3 DAY OF DECEMBER 2018

) Randall K Probst  
) Randall K. Probst, Successor Trustee

State of Utah )  
County of Wasatch ) ss

On the 3 day of December 2018, personally appeared before me, Randall K. Probst, Successor Trustee of the Kay Probst Family Living Trust, the signer of the within instrument, who duly acknowledged to me that he executed the same.



MB  
NOTARY PUBLIC

LEGAL DESCRIPTION

**60 FOOT ACCESS EASEMENT**

**BEGINNING AT A POINT LOCATED NORTH 89°27'41" WEST ALONG THE SECTION LINE 2649.58 FEET AND SOUTH 1382.91 FEET FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 88°26'05" EAST 27.68 FEET; THENCE NORTH 89°50'26" EAST 282.38 FEET; THENCE NORTH 340.18 FEET TO THE SOUTH LINE OF LOT 1 OF THE KAY PROBST SUBDIVISION AMENDED; THENCE WEST 60.00 FEET ALONG SAID SOUTH LINE OF LOT 1 TO THE NORTHEAST CORNER OF LOT 2 OF THE KAY PROBST SUBDIVISION AMENDED; THENCE SOUTH 279.04 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE SOUTHEAST CORNER; THENCE SOUTH 89°55'56" WEST 250.32 FEET ALONG THE SOUTH LINE OF SAID LOT 2; THENCE SOUTH 00°15'19" EAST 60.88 FEET TO THE POINT OF BEGINNING.  
OWC-1218**

