



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: March 19, 2024

NAME OF PROJECT: Vincent Fields Rural Preservation Subdivision

NAME OF APPLICANT: Kevin Payne

PROPERTY OWNER: The Kevin & Kimberly Payne Family Trust

ENGINEER: Paul Berg/Berg Engineering

AGENDA ITEM: Preliminary/Final Approval

LOCATION OF ITEM: At or near 1315 South Stringtown Road

ZONING DESIGNATION: RA-1-43

ITEM: 12

Kevin Payne, of the Payne Family Trust, is requesting Preliminary/Final approval of a proposed Rural Preservation Subdivision to be known as Vincent Fields Rural Preservation Subdivision. The property is five acres and located at or near 1315 South Stringtown Road and zoned RA-1-43.

BACKGROUND:

This request is for preliminary/final approval of a Rural Preservation Subdivision on five (5) acres which will contain one lot. The proposal is on property currently owned by The Kevin & Kimberly Payne Family Trust as part of the existing Vincent Fields Subdivision, a three-lot small subdivision comprising 9.46 acres. It is proposed that 5 acres of this 9.46 acres, consisting of portions of current lots 1 and 3, will be vacated from the Vincent Fields Subdivision and become the Vincent Fields Rural Preservation Subdivision comprised of the single five-acre lot.

According to the application:

This 5.00 acre rural preservation lot enables us to reconfigure an existing 4.00 acre lot [former Lot 1 of the Vincent Fields Subdivision] and a 4.16 acre lot [former Lot 2 of the Vincent Fields Subdivision] into a 1.00 acre lot [new Lot 1 of the Vincent Fields Subdivision - Amended] and a 5.00 acre lot [new Vincent Fields Rural Preservation Subdivision] with the remaining 2.16 acres being added to our existing Lot 2 of the Whimsy Willow Subdivision. No additional lots are being created nor are any additional streets being created. This will allow more of this acreage to remain as a field to grow and raise hay and to pasture horses.

LAND USE SUMMARY:

- 5.0-acre parcel
- RA-1-43 zoning
- Proposal contains one lot
- Private driveway, which requires a 30 foot wide easement for access across the new Lot 1 of the Vincent Fields Subdivision – Amended.
- Sensitive lands – None identified
- The lot will connect to Midway City’s culinary water line, Midway Irrigation Company’s secondary water line and Midway Sanitation District (although the parcel is large enough that it could have an onsite septic system as approved by the Wasatch County Health Department).

ANALYSIS:

Access – Access for the lot will be from a driveway within an easement at least thirty (30) feet wide across the former Lot 3 of the Vincent Fields Subdivision, now the proposed new Lot 1 of the Vincent Fields Subdivision – Amended. The easement is depicted on the south side of Lot 1 on the plans submitted and is shown as a 20’ wide easement but will have to be 30 feet per code. Driveway easements for Rural Preservation Subdivisions need to be at least 30’ wide to accommodate a 20’ drivable area and 5’ clear areas on both sides of the driveway to comply with the rural preservation driveway standards. The easement will connect directly to Stringtown Road. The driveway easement will also be a utility easement for water, sewer, and other utilities.

Culinary Water Connection – The lot will connect to the City’s water line located in Stringtown Road.

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 will connect to Midway Irrigation Company’s water system.

Sewer Connection – The property will connect to the Midway Sanitation District sewer line along Stringtown Road or be served by an onsite septic system that will be approved by the Wasatch County Health Department. The location of the approved septic site, if any, should be noted on the plat. A new sewer lateral will have to be located subject to approval from the City engineer and Midway Sanitation District.

Sensitive Lands – The applicant has not identified any sensitive lands that are part of the proposed development.

Stringtown Road – The proposed five-acre rural preservation subdivision has no frontage on Stringtown Road or any other road and requires access by way of easement across the proposed new Lot 1 of the Vincent Fields Subdivision – Amended as set forth above.

Setbacks – Any proposed building envelopes and future buildings must comply with the minimum setback requirements.

Deed Restriction – The 5.0 acre lot 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 5.0 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 CONSIDERATIONS:

The application does not change the water requirements for the involved property, which were reviewed and assessed by the Water Board and the shares dedicated by the applicant as a prerequisite to filing the plat for the Vincent Fields Subdivision.

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the R-1-43 zoning district
- The proposal does meet the intent of the General Plan for the R-1-43 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

PLANNING COMMISSION RECOMMENDATION:

At its regularly scheduled meeting held February 13, 2023, the Planning Commission made the following recommendation:

Motion: Commissioner Wardle: I make a motion that we recommend approval for a Rural Preservation Subdivision to be known as Vincent Fields Rural Preservation Subdivision. The property is five acres and located at 1281 South Stringtown Road and zoned RA-1-43. Accept the staff findings and all of the conditions listed in the staff report.

Seconded: Commissioner Lineback

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Lineback, Osborne, Wardle, Miles

Nays: Nokes

Motion: Passed

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

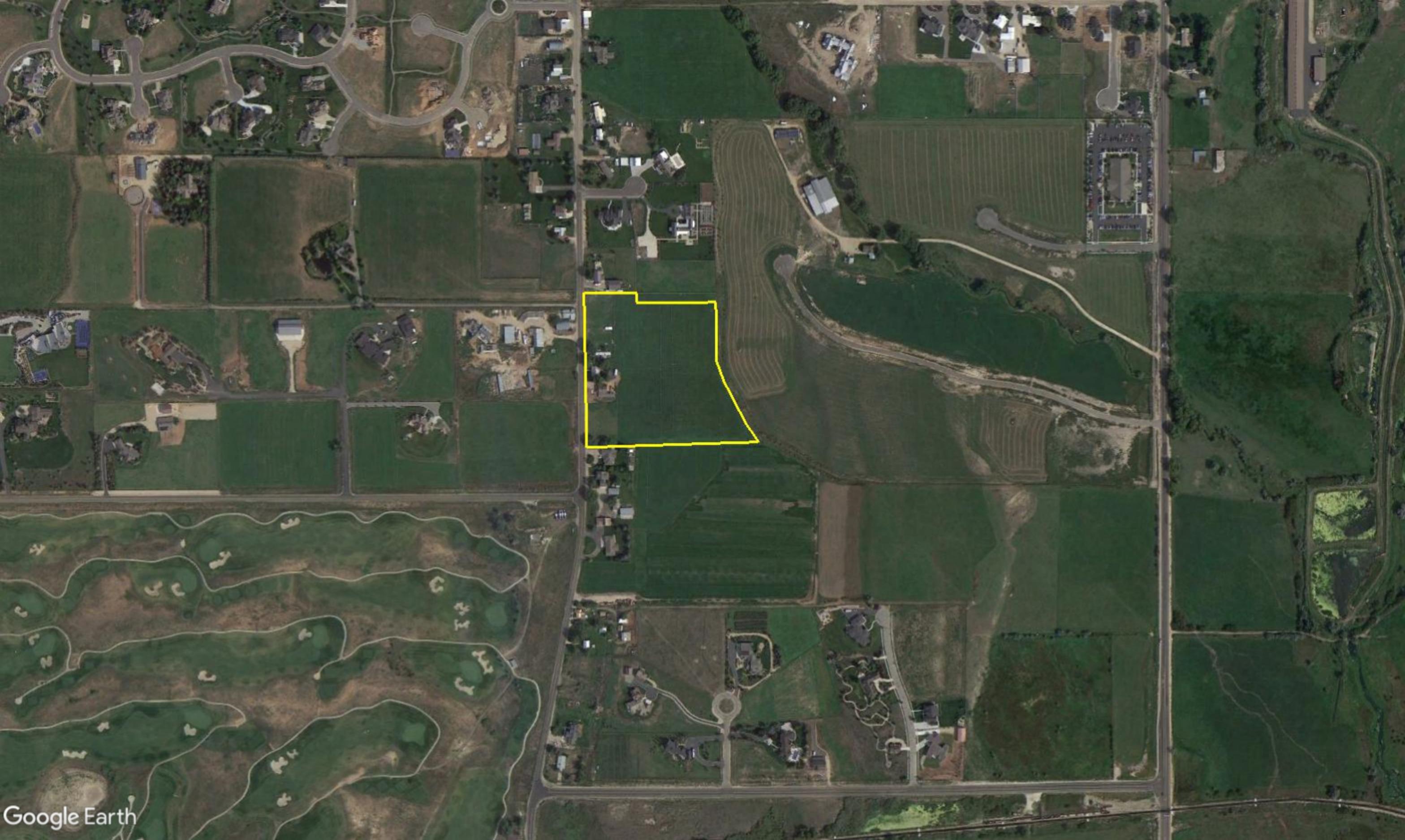
3. Denial. This action can be taken if the City Council finds the request does not comply with the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

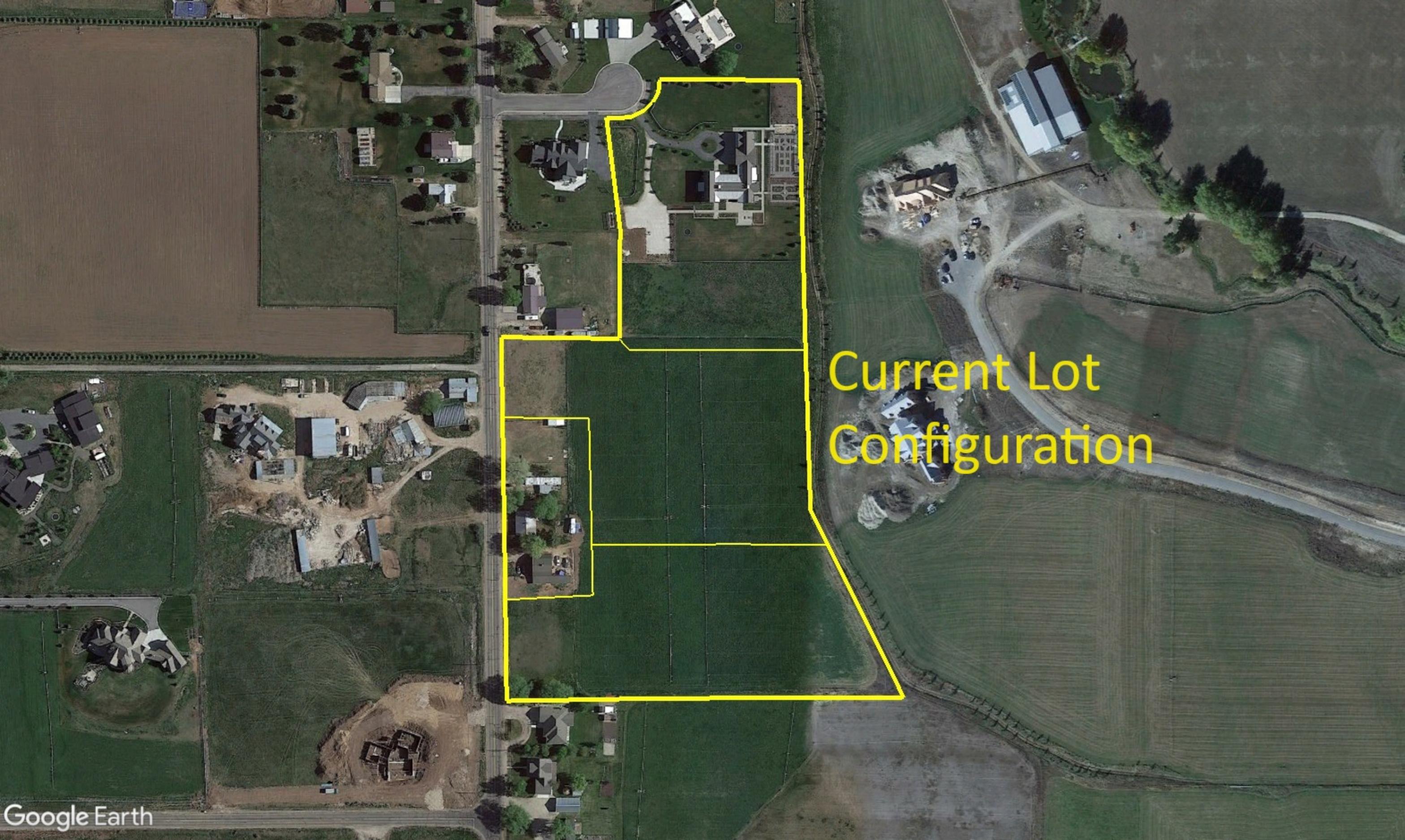
PROPOSED CONDITIONS:

- 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 plat will contain a note using the triangular system to explain its formation through vacating land from the Vincent Fields Subdivision.
- 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.
- Any new sewer lateral hookup placement will be subject to approval by the City Engineer and the Midway Sanitation District.

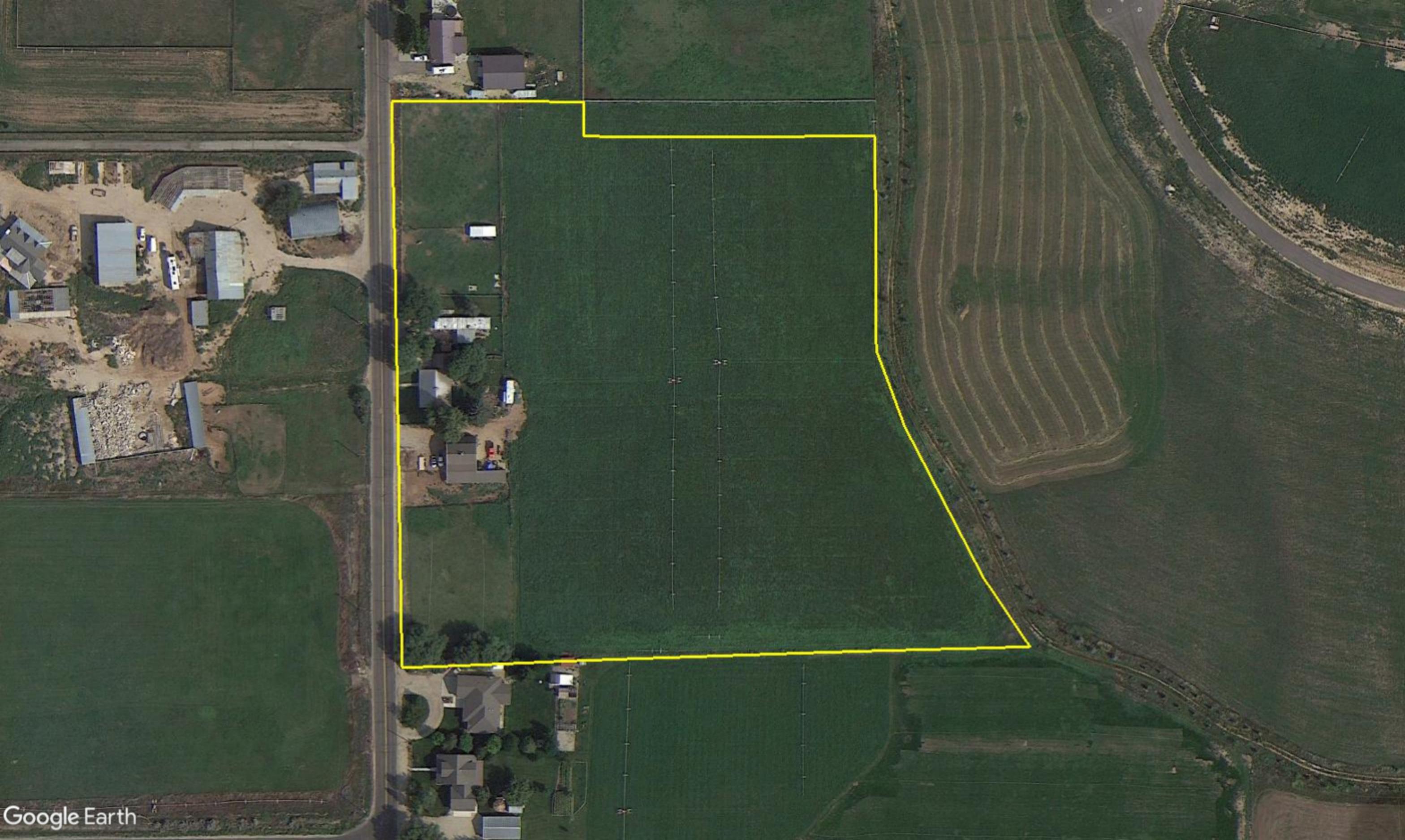
- A Development Agreement must be recorded with the Plat.
- The applicant will need to show a 30' wide driveway easement to allow access to the proposed rural preservation subdivision lot (which it is understood also will serve as a Public Utility Easement). The proposed Vincent Fields Subdivision – Amended and the Vincent Fields Rural Preservation Subdivision plats shall be revised to show a 30' wide rather than 20' wide easement.
- The plats for the Vincent Fields Rural Preservation Subdivision, Vincent Fields Subdivision – Amended, and the Whimsy Willow Subdivision – Lot 2 Third Amendment will be filed contemporaneously, and the Vincent Fields Rural Preservation Subdivision Plat shall not be filed without filing of the Vincent Fields Subdivision – Amended showing the required access easement, unless the applicant shows proof of a separately recorded 30' wide access easement meeting the access requirements set forth above.

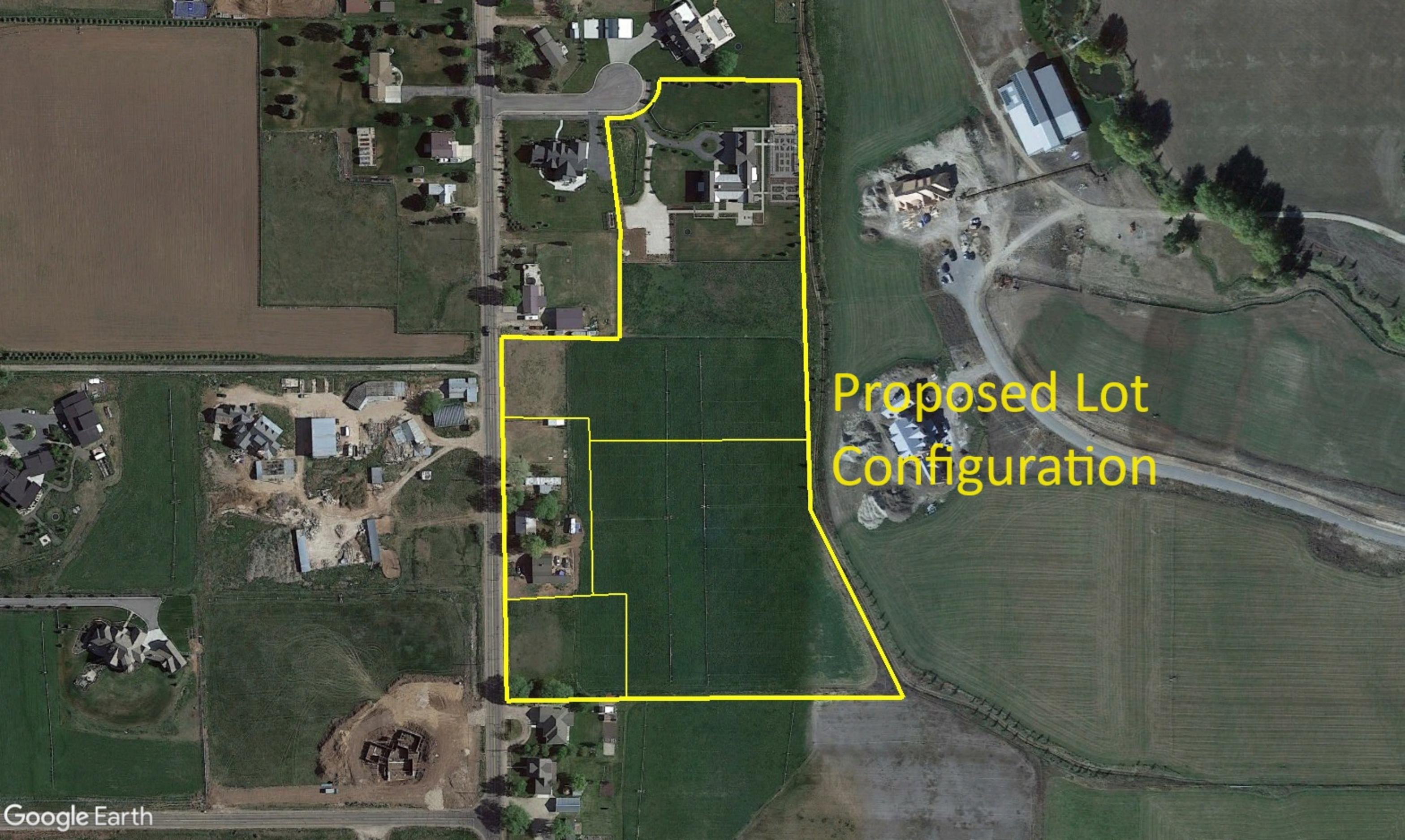




An aerial photograph of a residential area. A yellow outline highlights a specific lot configuration. The highlighted area includes a large green field, a road, and several buildings. The text "Current Lot Configuration" is overlaid in yellow on the right side of the image.

Current Lot Configuration





Proposed Lot Configuration

