

Midway City Council  
1 June 2021  
Regular Meeting

South Farm Subdivision /  
Preliminary and Final Approval



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** June 1, 2021

**NAME OF PROJECT:** South Farm Rural Preservation Subdivision

**NAME OF APPLICANT:** George Hansen

**PROPERTY OWNER:** Joseph and Marsha Probst

**ENGINEER:** Summit Engineering

**AGENDA ITEM:** Preliminary/Final Approval

**LOCATION OF ITEM:** 344 West 500 South

**ZONING DESIGNATION:** RA-1-43

### **ITEM: 11**

Mike Johnston of Summit Engineering, agent for George Hansen, is requesting preliminary/final approval of a Rural Preservation Subdivision to be known as South Farm. The property is six acres and located at 344 W 500 South and zoned RA-1-43.

### **BACKGROUND:**

This request is for preliminary/final approval of a Rural Preservation Subdivision on six acres which will contain one lot. The proposal is on property currently owned by Joseph and Marsha Probst 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. The current parcel is 7 acres. Approving the 6 acre rural preservation lot will create a one acre remnant parcel. The property owner has proposed a one lot small scale

subdivision on the remnant parcel known as the JOMAR Subdivision. The rural preservation subdivision and the one lot subdivision should proceed through the approval and plat recording processes together to prevent a non-conforming remnant parcel from being created. Currently the property is being used for agriculture.

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

- 6.0-acre parcel
- RA-1-43 zoning
- Proposal contains one lot
- Private driveway
- Sensitive lands – None identified
- The lot will connect to Midway City’s culinary water line, Midway Irrigation Company’s secondary water line and an onsite septic system as approved by the Wasatch County Health Department

#### **ANALYSIS:**

*Access* – Access for the lot will be from a shared driveway within a 56’ wide easement. 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 500 South. The driveway easement will also be a utility easement for water, sewer, and other utilities.

It appears that the existing driveway access for the adjoining Bonner parcel (OMI-0503-8) will overlap with the proposed driveway for the newly created parcel. The applicant has indicated that they intend to combine the Bonners access with that of the proposed rural preservation parcel and will be granting the Bonners an access easement. If the Bonners are not granted an access allowing them to use the same driveway access as the rural preservation lot, their driveway will need to be relocated so that there is a minimum of 150’ separation between driveway entrances.

If the Bonners are granted a private driveway easement by the property owner, the easement should be granted via a separate recorded document that is provided to the City before the plat is recorded. Additionally, the applicant will need to record CC&Rs with the plat that includes a shared maintenance plan for the driveway.

No more than five homes will be allowed to use any single driveway access.

*Culinary Water Connection* – The lot will connect to the City’s water line located in 500 South.

*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. The applicant has been provided with a will serve letter from Midway Irrigation Company.

*Sewer Connection* – The property will be served by an onsite septic system that will be approved by the Wasatch County Health Department. The location of the approved septic site should be noted on the plat.

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

*500 South* – The applicant needs to confirm whether they need to dedicate any portion of the 60’ ROW for 500 South.

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

*Deed Restriction* – The 6.0 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 6.0 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.*

**PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Whitney: I make a motion that we recommend preliminary/final approval of a Rural Preservation Subdivision to be known as South Farm. The property is six acres and located at 344 W 500 South and zoned RA-1-43. We approve the staff report and the conditions listed, the fire hydrant of 500 feet condition added to the slide in the presentation and the condition related to the remnant piece in the proposal.

**Seconded:** Commissioner Bouwhuis

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

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Cliften, Whitney, Garland, Bouwhuis and Simons

Nays:

**Abstained:** Ream

**Motion: Passed**

**WATER BOARD RECOMMENDATION:**

The Water Board recommended that 17.55 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.

The building envelope has recently been adjusted, reducing the anticipated impervious surface and increasing the irrigated area. The impervious driveway surface (40' x 20') would result in a .02 acre foot increase in water needed for irrigation. This would result in the applicant needing to turn over a total of 17.57 acre feet of water to the city.

**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

- The developer will record CC&Rs addressing the maintenance of the shared driveway
- The duration of Preliminary/Final Approval shall be for one year from the date of approval of the development by the City Council. If the Final Plat is not recorded with the County Recorder within the one-year period, the development's approval shall be voided, and both Preliminary and Final Approvals must be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that:
  1. Construction must be conducted per any new City standards in effect at the time the plat is ultimately recorded;
  2. The property must be maintained in a clean, dust-free, and weed-free condition always;
  3. Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or
  4. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

#### **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

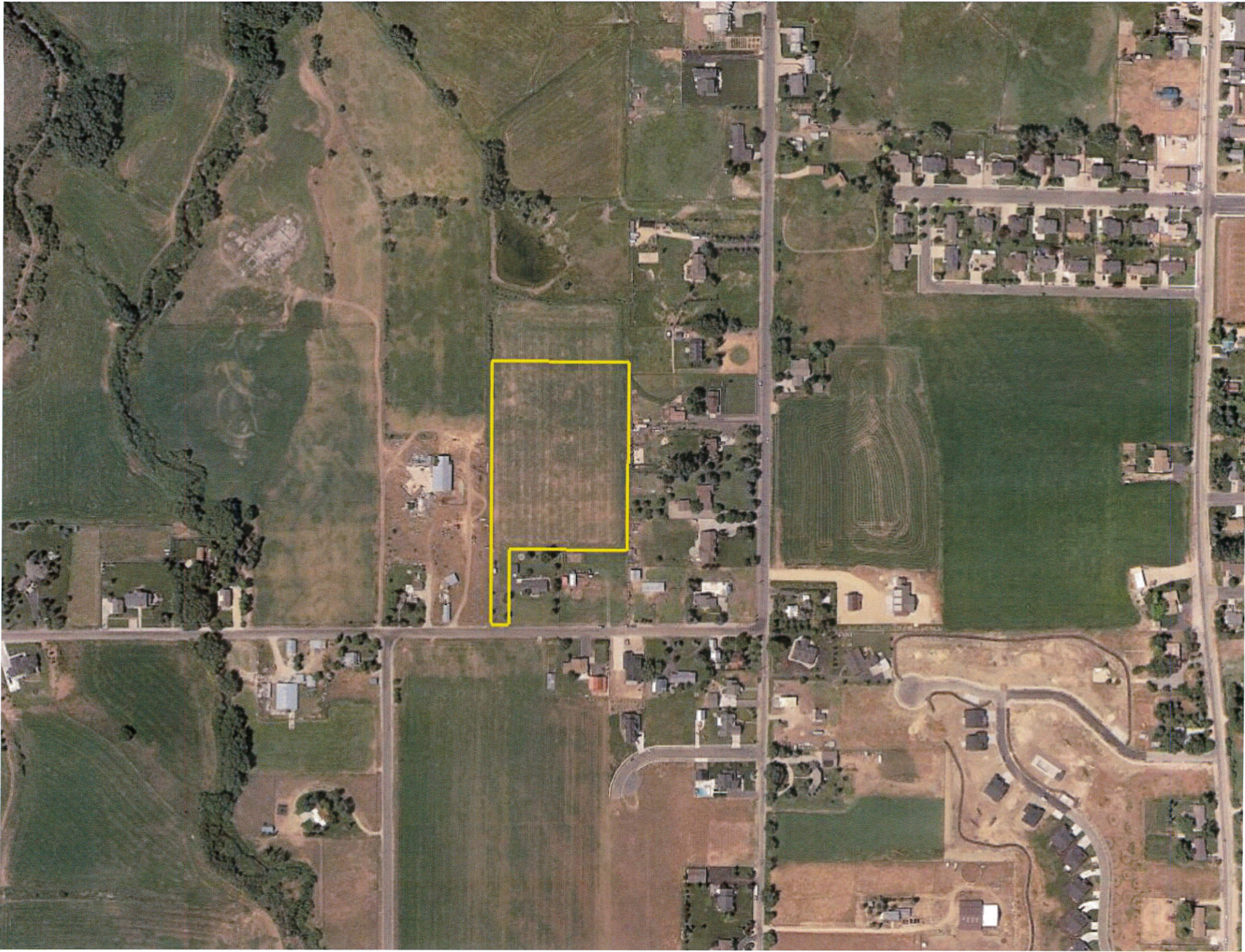
**PROPOSED CONDITIONS:**

1. 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.
2. A note on the plat is included with language that clearly states that subdividing the lot is prohibited.
3. 17.57-acre feet of water is tendered to the City before the plat is recorded.
4. 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.
5. Before the plat is recorded, the applicant will need to provide Midway City with proof that an access easement was granted to the Bonners for use of the proposed driveway.

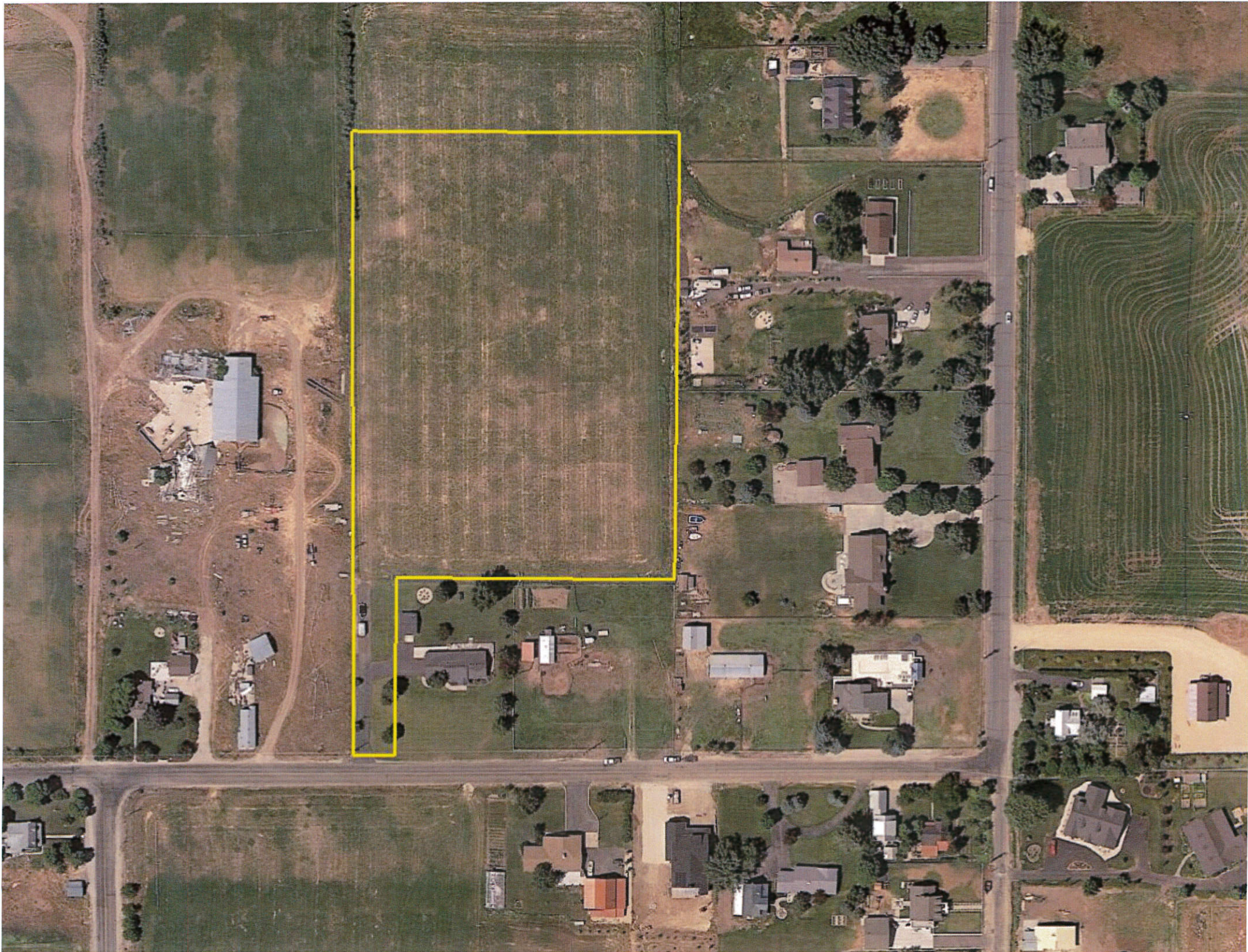




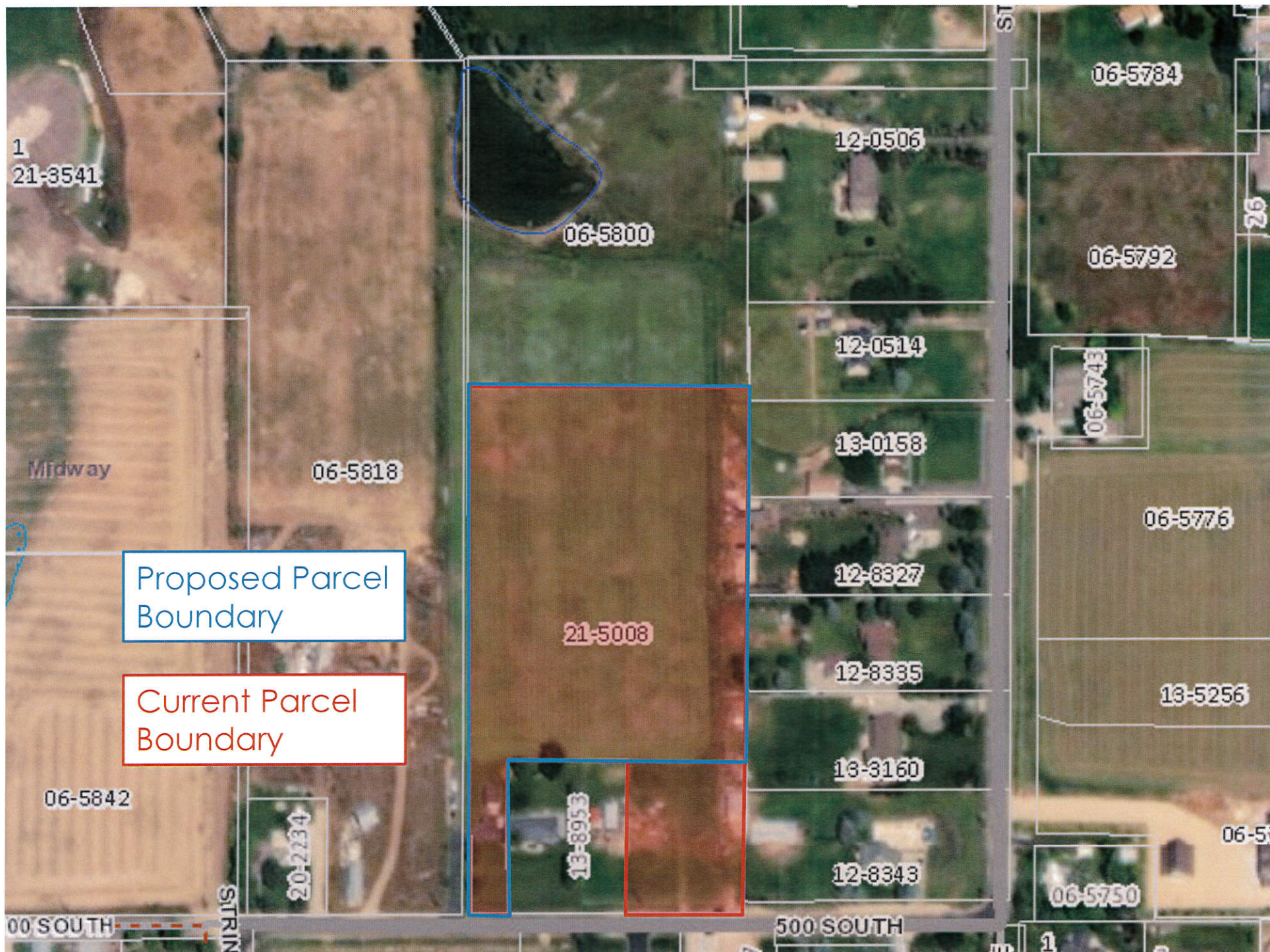














March 9, 2021

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

**Subject: South Farm Rural Preservation - 1 lot Subdivision – Preliminary / Final Approval**

Dear Michael:

Horrocks Engineers recently reviewed the South Farm Rural Preservation plan for Preliminary/Final approval. The following comments should be addressed prior to City Council approval.

General Comments

- The proposed plan is a rural preservation subdivision. The plan proposes one 6.0 acre lot and is located at 344 West 500 South.

Water

- The proposed development will be served from the Gerber Mahogany pressure zone.
- A fire hydrant should be within 600' of the proposed home.
- A drawing should be prepared showing the proposed water line.

Roads

- The driveway for this subdivision will connect to 500 South according to the rural preservation requirements. No erosion potential was identified; therefore, the driveway may be a gravel surface.

Storm Drain

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

Trails

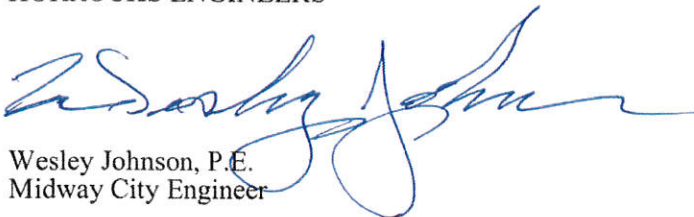
- No trails are shown to be constructed within the development.

Irrigation

- The proposed lot will connect to the existing pressurized line within 500 South.

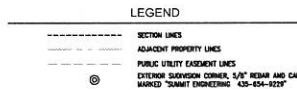
Please feel free to call our office with any questions.

Sincerely,  
HORROCKS ENGINEERS

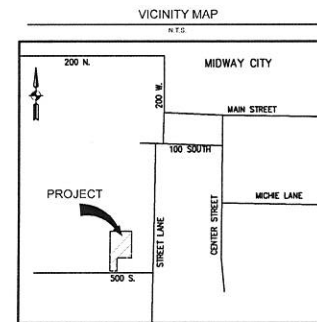


Wesley Johnson, P.E.  
Midway City Engineer

cc: Mike Johnston Summit Engineering



- [illegible]



I, DEREK KOHLER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 11725351 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.

DATE \_\_\_\_\_

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 89°54'23" EAST 3316.39 FEET BETWEEN COUNTY MONUMENTS  
REFERENCING THE NORTH 1/4 CORNER OF SECTION 3 AND THE NORTH 1/4 CORNER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE AND MERIDIAN IN CONFORMANCE WITH UTAH COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

[illegible]

I, THE UNDERSIGNED OWNER OF ALL THE REAL PROPERTY DEPICTED ON THIS PLAT AND DESCRIBED IN THE BOUNDARY DESCRIPTION ON

THIS PLAT, CONSENT TO THE RECORDED OF THIS PLAT. FURTHERMORE, I HAVE CAUSED THE LAND DESCRIBED TO BE DEVELOPED UNDER THE REQUIREMENTS OF THE RURAL PRESERVATION SUBDIVISION CODE OF MIDWAY CITY, AND ALSO DO HEREBY GRANT UNDER THE PROVISIONS OF 10-9-BET UTAH CODE, TO MIDWAY CITY THE PUBLIC UTILITY EASEMENTS AS SHOWN HEREON.

DATE \_\_\_\_\_

## STATE OF UTAH

COUNTY OF WASATCH

ON THIS DAY OF \_\_\_\_\_ PERSONALLY APPEARED BEFORE ME \_\_\_\_\_ THE  
SIGNER OF THE ABOVE OWNER'S DECLARATION, WHO DULY ACKNOWLEDGED TO ME THAT HE SIGNED IT FREELY AND VOLUNTARILY  
AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, UTAH, APPROVES THIS SUBDIVISION

SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, AND HEREBY ACCEPTS THE GRANT OF PUBLIC UTILITY EASEMENTS

CLERK-RECORDER

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CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_ MIDWAY SANITATION DISTRICT \_\_\_\_\_ DATE \_\_\_\_\_

[illegible][illegible]

APPROVED AS TO FORM THIS DAY OF \_\_\_\_\_

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

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

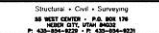
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ENTRY # \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ FEE \_\_\_\_\_

FOR \_\_\_\_\_

BY \_\_\_\_\_ WASATCH COUNTY RECORDER MARCY MURRAY



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WASATCH COUNTY, UTAH

WASATCH COUNTY, UTAH

WASATCH COUNTY, UTAH

# **Exhibits**

**Exhibit 1 – Midway Irrigation Company Will Serve**



# **Exhibit 1**

**Midway Irrigation Company Will Serve Letter.**  
**May 26, 2021**

**Project Name:** South Farm Subdivision

**Address:** 500 South, Midway, Utah.

**Name of Developer:** George Hansen

**Parcel Size:** 6.00 Acres

**Present Land Use:**

**Amount of Irrigated Land:** 6.00 Acres

**Amount of Non-Irrigated Land:** 0.0 Acre

**Scope of the proposed project:**

**Number of ERUs:** 1

**Amount of Irrigated Land:** 5.73 Acres

**Amount of Non-Irrigated Land:**

Home sites, Roads & Trails– 0.27 Acres

Historic Non-Irrigated- 0.0 Acres

**Water Requirement:**

**Culinary Quality Number of Acre Feet:** 0.8 Acre Feet

**Irrigation Quality Number of Acre Feet:** 17.19 Acre Feet

**Water Rights Available to the project:** 6.00 Shares of Midway  
Company Stock

**Project Water Allocation:**

**Culinary Water Provider:** Midway City

**Water Rights Required:** 0.8 ac. ft.

**Infrastructure Requirements:**

**Secondary Water Provider:** Midway Irrigation Company.

**Water Rights required:** 17.19 acre-feet

**Project Approval Required Conditions:**

1. Transfer 0.8 acre-feet of Midway Irrigation Water Right to Midway City for culinary water requirements.
2. Transfer 17.19 acre-feet of Midway Irrigation Water Right to Midway City for secondary irrigation water requirements.
3. Developers will be required to connect to Midway Irrigation Company Main Line under the condition that it is completed under the direction of the Company's Manager and in accordance with the company's construction guide line and policies.
4. Developers must install secondary water meters on each lot. The installation must be in accordance with the company's construction guide line and policies.
5. The final plat will not be approved or signed until all conditions are met.

Steve Farrell, President  
Midway Irrigation Company