

**PLANNING COMMISSION MEETING STAFF REPORT**

**DATE OF MEETING:** October 8, 2019

**NAME OF PROJECT:** Farm Springs

**NAME OF APPLICANT:** Farm Springs Property Owners

**AGENDA ITEM:** Plat Amendments of Farm Springs Common Space “D”

**LOCATION:** 544 Meriwether Way

**ZONING DESIGNATION:** R-1-22 zone

**ITEM: 2**

Summit Engineering Group, agent for Farm Springs property owners, is proposing a plat amendment of the Farms Springs subdivision plat. The proposal would amend common space D and reduce the common area by 0.47 acres. The property is located at 544 Meriwether Way and is in the R-1-15 zone.

**BACKGROUND:**

Farm Springs property owners are proposing a plat amendment to their common area “D”. The proposed amendment would reduce the acreage of common area “D” by 0.47 acres and vacate that area from the plat. The current size of the common area is 6.9 acres and if the proposed amendment is approved, the size of the common area would be 6.43 acres.

The property owners are proposing this plat amendment and property vacation so that the vacated land can be sold to Randall Probst who owns the farm property directly to the south of Farm Springs lots 5, 6, and 7 and east of the Farm Springs Common Area “D”.

The proposal is to sell Mr. Probst the 0.47-acre property which would then be added to his adjoining 4.55-acre parcel thus making his parcel 5.02 acres. This would allow Mr. Probst to utilize the City’s Rural Preservation subdivision code to create a one-lot farm parcel.

According to information provided with the application, The HOA and Farm Springs lot owners will retain a perpetual easement across the 0.47-acre parcel that gives them access to the property and prevents any changes or development on that property. If Mr. Probst is not able to acquire the required five acres for a Rural Preservation Subdivision, then his other development option is to subdivide the property into smaller lots. He greatly prefers keeping the farm as one single parcel with one house. The Farm Springs neighborhood supports this due to the proximity of Mr. Probst’s property to their lots. The proposed plat amendment is the way for both parties can accomplish a common goal.

#### **ANALYSIS:**

A plat amendment and plat vacation are legislative items and the City Council is not obligated to allow any changes even if they feel that the applicant met the requirements of the Code. Subsection 9a-608(2)(a) states “a land use authority may consider at a public meeting an owner’s petition to vacate or amend a subdivision plat if:”

- (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;

With that being said, a lot line adjustment is an administrative action, according to state law, as long as both properties comply with the land use ordinance. Utah law states that “owners of record of adjacent parcels...may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (5)(b). Utah Code 10-9a-608(5)(a). Subsection (5)(b) states that “the land use authority shall approve an exchange of title under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.”

Staff has reviewed the petition to consider if the proposal will violate any land use ordinances. Farm springs was required to have 15% open space which became common area “D”. The area of the subdivision is 26 acres which requires 3.9 acres. The current size of the open space is 6.9 acres and the proposal will only reduce the open space to 6.43 acres which still complies with the requirement.

Another item to consider is the General Plan. The General Plan promotes open space and a rural atmosphere. The proposed amendment will allow Mr. Probst to apply for a rural preservation

subdivision that will provide open space and keep a rural atmosphere in the area. Considering this, there is good cause for the plat amendment.

**PROPOSED FINDINGS:**

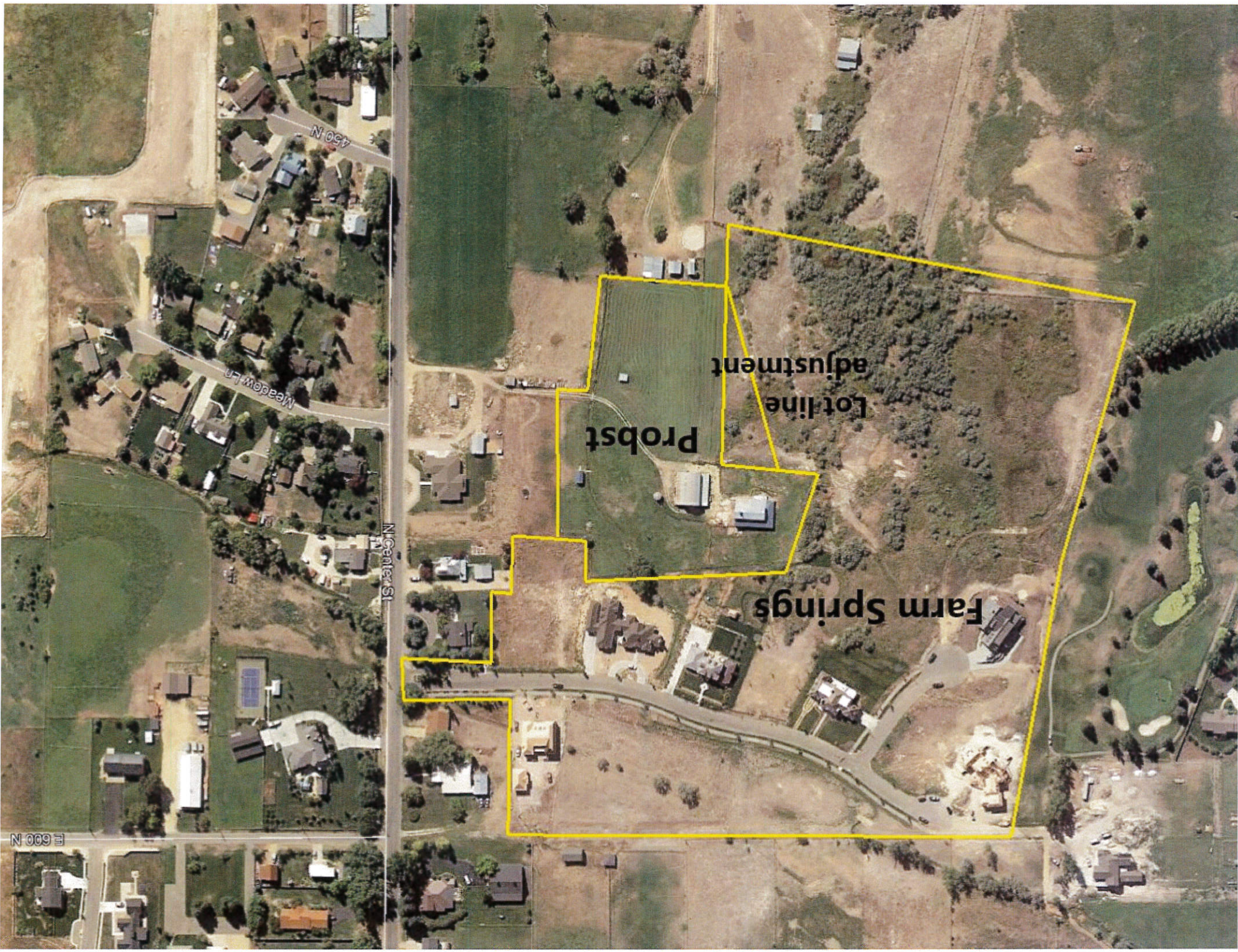
- State law allows the adjustment of a lot line regardless of whether the lots are located in the same subdivision
- State law requires a land use authority to approve a lot line adjustment if the exchange will not result in a violation of any land use ordinance
- State law states a plat amendment may be considered by the land use authority at a public meeting
- The Farm Springs subdivision will still have more than the required amount of open space if the proposed amendment is approved
- The proposal will help create a subdivision that matches the General Plan’s goals of preserving open space and a rural atmosphere
- No public street, right-of-way, or easement will be vacated or altered

**ALTERNATIVE ACTIONS:**

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission finds the proposal complies with the land use ordinance.
  - a. Accept staff report
  - b. Reasons for approval (findings)
  - c. Place condition(s) if needed
2. Continuance. This action can be taken if the Planning Commission feels 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 feels that the request does not comply with the ordinance.

- a. Accept staff report
- b. List accepted findings
- c. Reasons for denial



Lot line  
adjustment

Probst

Farm Springs

450 N

Meadow Ln

N Center St

E 600 N



**FARM SPRINGS SUBDIVISION**

LOCATED IN THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, MIDWAY CITY, WASHINGTON COUNTY, STATE OF UTAH

SHEET 2 of 2

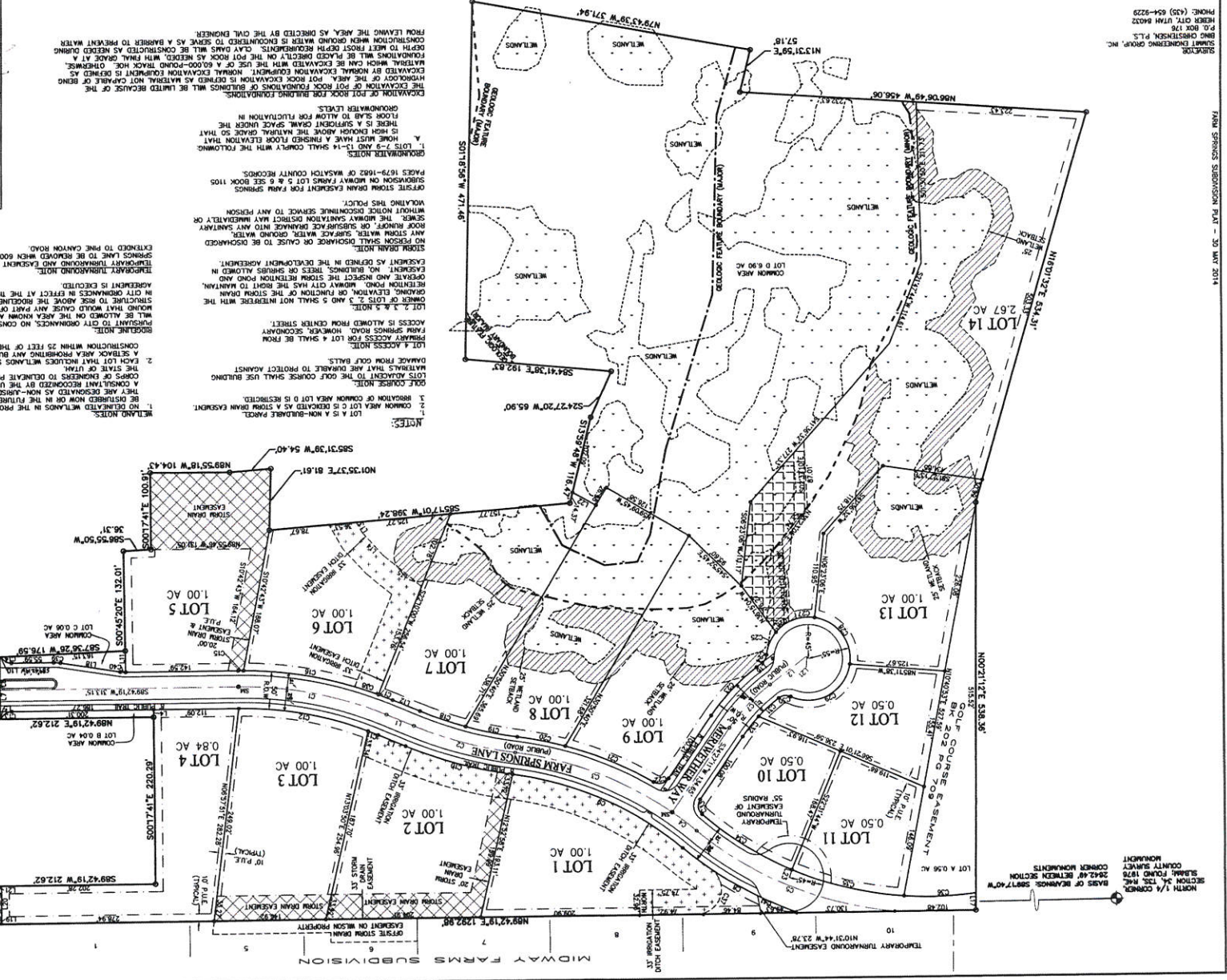
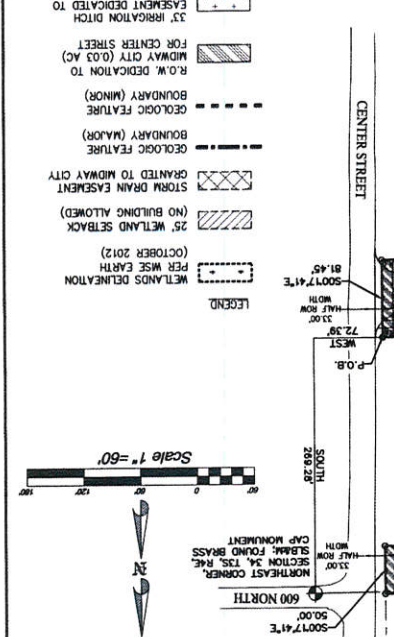
SCALE 1" = 60' FEET

DATE OF SURVEY: MARCH 2014  
 PHONE: (435) 654-8229  
 BRUCE ENGINEERING GROUP, P.L.L.C.  
 1000 W. 1200 N. SALT LAKE CITY, UTAH 84119

WETLANDS DELINEATION PER PERMITS (OCTOBER 2012) (NO BUILDING ALLOWED) STORM DRAIN EASEMENT GRANTED TO MIDWAY CITY GEOLOGIC FEATURE (MAJOR) GEOLOGIC FEATURE (MINOR) BOUNDARY (MINOR) BOUNDARY (MAJOR) FOR CENTER STREET MIDWAY CITY (0.03 AC) R.O.W. DEDICATION TO MIDWAY CITY (0.03 AC) EASEMENT DEDICATED TO MIDWAY IRRIGATION COMPANY TOTAL EASEMENT ACROSS SPRINGS HOME OWNERS ASSOCIATION FOR A PRIVATE SURVEY MONUMENT TO BE SET

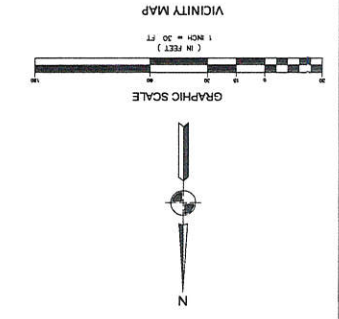
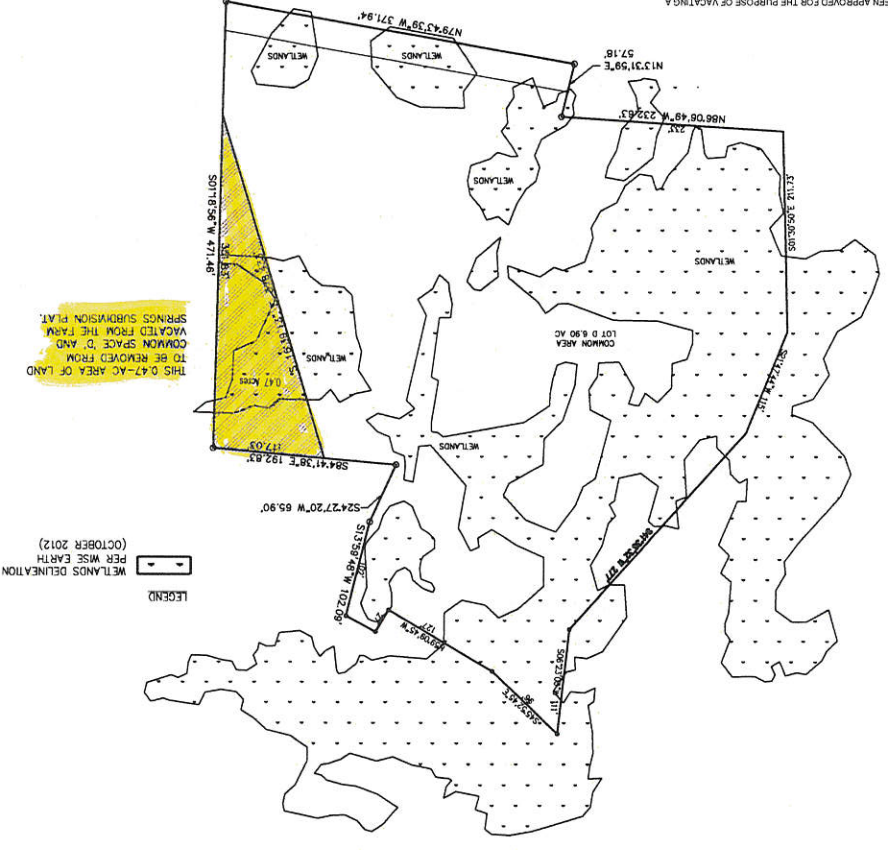
**NOTES:**

- LOT 1 IS A NON-BUILDABLE PLOTS.
- COMMON AREA LOT 1 IS DESIGNATED AS A STORM DRAIN EASEMENT.
- REGULATION OF COMMON AREA LOT 1 IS RESTRICTED.
- DOE CONSENT TO THE DOE CONSENT SHALL USE BUILDING MATERIALS THAT ARE DURABLE TO PROTECT AGAINST DAMAGE FROM GOAT HILLS.
- ACCESS SHALL BE PROVIDED TO LOT 1 FROM FARM SPRINGS ROAD, HOWEVER, SECONDARY ACCESS IS ALLOWED FROM CENTER STREET.
- NO DELETED WETLANDS IN THE PROJECT MAY BE OBTAINED TO CITY OR COUNTY.
- NO CONSTRUCTION OF ANY KIND SHALL BE PERMITTED ON THE AREA KNOWN AS THE MOUND THAT WOULD CAUSE ANY PART OF THE STRUCTURE TO RISE ABOVE THE HIGHEST AS DETERMINED IN CITY ORDINANCES IN EFFECT AT THE TIME THIS EASEMENT IS EXECUTED.
- TEMPORARY THURGOOD AND EASEMENT ON FARM SPRINGS LAKE TO BE DELETED WHEN 600' NORTH IS EXTENDED TO PINE CANYON ROAD.



DATE OF SURVEY: MARCH 2014  
 PHONE: (435) 654-8229  
 BRUCE ENGINEERING GROUP, P.L.L.C.  
 1000 W. 1200 N. SALT LAKE CITY, UTAH 84119

# FARM SPRINGS SUBDIVISION COMMON SPACE 'D' AMENDED



**NARRATIVE**

FARM SPRINGS SUBDIVISION IS A PART OF A RESIDENTIAL DEVELOPMENT PROJECT TO BE SITED IN THE EASTERN PART OF THE CITY OF MIDWAY. THE PROJECT WILL BE SITED IN THE EASTERN PART OF THE CITY OF MIDWAY. THE PROJECT WILL BE SITED IN THE EASTERN PART OF THE CITY OF MIDWAY.

MIDWAY CITY ATTORNEY \_\_\_\_\_ DATE \_\_\_\_\_

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

MIDWAY ENGINEER APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_

**PLAT NOTES:**

1. THIS PLAT AMENDMENT HAS BEEN APPROVED FOR THE PURPOSE OF VACATING A PORTION OF THE COMMON SPACE 'D' AS SHOWN HEREON.
2. FROM RECOGNITION OF THIS PLAT AMENDMENT THE 0.47 AC PORTION OF COMMON SPACE 'D' IS HEREBY VACATED BY THE MIDWAY CITY COUNCIL FROM THE FARM SPRINGS SUBDIVISION.
3. UPON RECOGNITION OF THIS PLAT AMENDMENT THE 0.47 AC PORTION VACATED FROM COMMON SPACE 'D' SHALL BE CREATED WITH A SEPARATE PARCEL NUMBER.
4. ALL PRIOR PLAT NOTES, COVENANTS AND RESTRICTIONS OF RECORD SHALL REMAIN IN EFFECT FOR COMMON SPACE 'D' SHOWN HEREON. SEE SUBDIVISION PLAT FOR FARM SPRINGS SUBDIVISION RECORDED AS ENTRY # 20200 IN WASATCH COUNTY OFFICIAL RECORDS.
5. REFER TO THE ORIGINAL RECORDED PLAT FOR FARM SPRINGS SUBDIVISION FOR SECTION NOTES, BASIS OF BEARINGS, AND OTHER LOCATION AND SURVEY INFORMATION.

PROJECT: RANDALL PROBST  
SHEET: 1 OF 1  
AMENDED  
FARM SPRINGS COMMON AREA



Summit Engineering Group Inc.  
Surveying - Civil - Surveying  
1000 S. 4000 W. #200  
MIDWAY, UTAH 84042  
PHONE: 435-562-4400  
FAX: 435-562-4401  
WWW.SUMMITENGINEERING.COM

COMMON SPACE 'D' AMENDED  
FARM SPRINGS SUBDIVISION  
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SLB&M  
MIDWAY CITY, WASATCH COUNTY, UTAH

COUNTY SURVEYOR APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_  
WASATCH COUNTY SURVEYOR \_\_\_\_\_ DATE \_\_\_\_\_

<b>SURVEYOR'S CERTIFICATE</b>	
LAND CERTIFICATE OR SURVEY CERTIFICATE THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. _____	DATE _____
HAVE AS REQUIRED UNDER THE LAWS OF THE STATE OF UTAH, EXAMINED CERTAIN INSTRUMENTS AND RECORDS IN THE OFFICE OF RECORDS, WASATCH COUNTY, UTAH AS SET FORTH ABOVE.	
AND I CERTIFY THAT I HAVE CONDUCTED A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW.	
<b>PROFESSIONAL LAND SURVEYOR</b>	DATE _____
_____	_____
<b>BOUNDARY DESCRIPTION</b>	
ALL OF COMMON AREA 'D' AS SHOWN ON THE FARM SPRINGS SUBDIVISION PLAT FOR FARM SPRINGS AS SHOWN HEREON, SAID BASIS OF BEARINGS IS CONFORMANCE WITH 1893 UTAH CODES WITH EXCEPTED INTERNAL CORNER RELATIONS.	
CONTAINS 88 ACRES.	
AND IS RECORDED IN THE OFFICE OF RECORDS, WASATCH COUNTY, UTAH AS ENTRY NO. _____	
<b>BASIS OF BEARINGS</b>	
THE BASIS OF BEARINGS FOR THIS PLAT IS FROM THE ORIGINAL RECORDED SUBDIVISION PLAT FOR FARM SPRINGS AS SHOWN HEREON. SAID BASIS OF BEARINGS IS CONFORMANCE WITH 1893 UTAH CODES WITH EXCEPTED INTERNAL CORNER RELATIONS.	
<b>OWNER'S DEDICATION AND CONSENT TO RECORD</b>	
THE UNDERSIGNED ASSOCIATION OF FARM SPRINGS SUBDIVISION HEREBY CONSENTS TO THE REVISIONS AND AMENDMENTS TO THIS PLAT AND AGREES TO THE REVISIONS AND AMENDMENTS TO THIS PLAT. THE REVISIONS AND AMENDMENTS TO THIS PLAT HAVE CAUSED THIS PLAT AMENDMENT TO BE CREATED AND HEREBY ONE CONSENT TO RECORD THIS PLAT.	
NAME _____ DATE _____	NAME _____ DATE _____
<b>ACKNOWLEDGMENT</b>	
STATE OF UTAH COUNTY OF MIDWAY THIS PLAT AMENDMENT HAS BEEN APPROVED AND ADOPTED BY THE BOARD OF COMMONS AS SET FORTH IN THE RESOLUTIONS AND ORDINANCES AND IS HEREBY RECORDED FOR THE PURPOSES THEREOF. THESE RESOLUTIONS AND ORDINANCES ARE HEREBY RECORDED FOR THE PURPOSES THEREOF.	
<b>ACCEPTANCE BY LEGISLATIVE BODY</b>	
THE CITY COUNCIL OF MIDWAY CITY APPROVES THIS AMENDMENT PLAT AMENDMENT SUBJECT TO THE CONDITIONS AND RESTRICTIONS SET FORTH HEREON.	
THIS DAY OF _____ 2012.	
MAYOR _____	CLERK - RECORDS _____
<b>PLANNING APPROVAL</b>	
APPROVED THIS _____ DAY OF _____ 2012 BY THE CITY COUNCIL OF MIDWAY, UTAH.	
PLANNING DIRECTOR _____	
<b>WASATCH COUNTY RECORDER</b>	

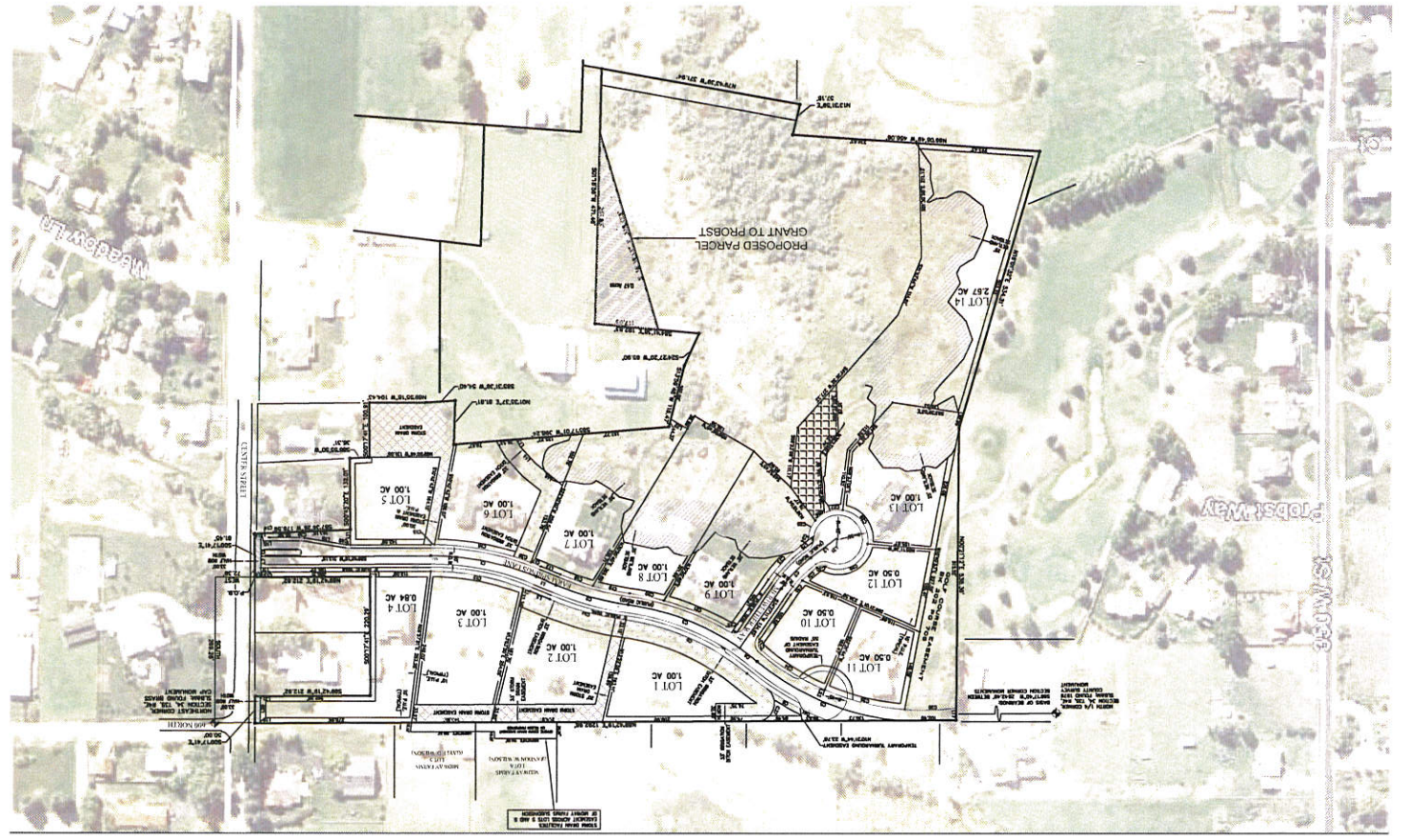
# EXHIBIT

LOCATION: IN THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 4 EAST, ZENITH WASATCH COUNTY, UTAH

SCALE: 1" = 100'  
ISSUE DATE: 4/11/2018  
DRAWN BY: SCS  
REVIEWED BY: MJP

Summit Engineering Group Inc.  
1100 S. 1000 WEST, SUITE 200  
MIDWAY, UTAH 84043  
PHONE: 435.241.1000  
WWW.SUMMITENGINEERING.COM

STATE OF UTAH  
COUNTY OF WASATCH  
PLAT NO. 119-278-01  
APPROVED FOR RECORDING  
BY: [Signature]  
DATE: 4/11/2018



LEGEND  
PROPOSED PARCEL SIZE 0.47 ACRES

BOUNDARY LINE AGREEMENT  
EXHIBIT

