



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: July 11, 2023

NAME OF PROJECT: Wayne's Pond Rural Preservation Subdivision

NAME OF APPLICANT: Ben Probst

PROPERTY OWNER: Probst Family Trust

ENGINEER: Summit Engineering

AGENDA ITEM: Preliminary/Final Approval

LOCATION OF ITEM: 344 West 500 South

ZONING DESIGNATION: RA-1-43

ITEM: 3

Ben Probst, agent for Probst Family Trust, is proposing preliminary/final approval of a Rural Preservation Subdivision to be known as Wayne's Pond. The proposal contains one lot on five acres. The property is located at 378 West 500 South and is in the RA-1-43 zone.

BACKGROUND:

This request is for preliminary/final approval of a Rural Preservation Subdivision on five acres which will contain one lot and will be called Wayne's Pond. The proposal is on property currently owned by Probst Family Trust 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.

LAND USE SUMMARY:

- 5.0-acre parcel
- RA-1-43 zoning
- Proposal contains one lot
- Private driveway
- Sensitive land – 1.46 acres of Palustrine Emergent Wetland
- The lot will connect to Midway City’s culinary water line or a private well, 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. The easement is currently dedicated to the proposed lot on the Nelson Family Farm Rural Preservation Subdivision plat. 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 recorded easement connects directly to 500 South. The driveway easement will also be a utility easement for water, sewer, and other utilities. Two other lots share the driveway easement. One is the Bonners (00-0013-8953) that have a home at 330 West and 500 South. The second is the Nelsons (00-0021-6608) that own Lot 1 of the Nelson Family Farm Rural Preservation Subdivision. A shared driveway maintenance agreement must be submitted to the City that includes the Nelson and Bonner properties.

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 under 500 South or a second option is to construct a well on-site, once approval has been granted.

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. A fire hydrant has been installed within 500’ in the Nelson Family Farm Rural Preservation Subdivision.

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 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 identified some sensitive lands on the property. Bio-West has identified 1.46 acres of Palustrine Emergent Wetland. This area is not developable, and the Land Use code requires a 25’ buffer around the wetlands to help protect them. The 25’ buffer will be noted on the plat. The Bio-West wetland study must be approved by the US Army Corps of Engineers before the plat is recorded.

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 RECOMMENDATION:

The Water Board will review this proposal during their August 7th meeting.

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the RA-1-43 zoning district
- The proposal meets the intent of the General Plan for the RA-1-43 zoning district
- The proposal complies 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 will never be further subdivided
- The development will be subject to a shared driveway maintenance plan
- 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. 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:

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. 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.
4. The Bio-West wetland study must be approved by the US Army Corps of Engineers before the plat is recorded.
5. A shared driveway maintenance agreement must be submitted to the City that includes the Nelson and Bonner properties.

6. Approved well permit from the State Engineer's Office must be submitted to the City before the plat is recorded.

Midway City Corporation

Mayor: Celeste T. Johnson
City Council Members
Lisa Orme • Jeffery Drury
J.C. Simonsen • Steve Dougherty
Kevin Payne



75 North 100 West
P.O. Box 277
Midway, Utah 84049
Phone: 435-654-3223
Fax: 435-654-4120
midwaycityut.org

July 11, 2023

Midway City
Attn: Michael Henke
75 North 100 West
Midway, Utah 84049
(Sent via e-mail)

Subject: Wayne's Pond Rural Preservation Subdivision – Preliminary & Final Review

Dear Michael:

The Midway Engineering department recently reviewed the above development plans for Preliminary/Final Approval. The proposed development is located near 378 West 500 South. The entire development is 5.0 acres and contains 1 lot. The following comments should be addressed with approval.

General

Wetlands have been identified on the property. A wetland delineation approved by the US Army Corps of Engineers shall be submitted prior to recording the plat. All construction drawings should be submitted prior to recording the plat.

Water

- The proposed development will be served from the Gerber Mahogany Springs zone, or a private well. Prior to final approval it should be determined if the proposed home will be served by the culinary water system, or a well. If a well is selected, an approved drilling permit from the State should be submitted prior to recording the plat.
- Fire protection will be provided from an existing fire hydrant within the shared private driveway. The proposed structure should not exceed 500' from the hydrant.

Irrigation

- Each lot will be served by the Midway Irrigation pressurized system.

Roads

- Access to the lot will be from a shared driveway. No curb-gutter or sidewalk will be installed within the proposed development.

Trails

- No trails will be installed within this development.

Storm Drain

- The storm water will be contained within the existing land.

Sincerely,



Wesley Johnson, P.E.
Midway City Engineer

cc: Mike Johnston, Summit Engineering (sent via email)

Midway City Corporation



Mayor: Celeste T. Johnson
City Council Members
Lisa Christen • Jeffery Drury
J.C. Simonsen • Steve Dougherty
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P.O. Box 277
Midway, Utah 84049
Phone: 435-654-3223
Fax: 435-654-4120
midwaycityut.org

Wayne's Pond Rural Preservation Subdivision

July 3, 2023

Michael Henke Midway City Planning Director,

I have reviewed the plans for Wayne's Pond Rural Preservation Subdivision for compliance with the 2018 International Fire Code (2018 IFC). I have no fire code concerns with the plans that have been recommended for approval by the Midway City Planning Commission and are now being presented to the Midway City Council for final approval.

Prior to accepting building permit applications for this project, the developer will need to be granted in writing at least substantial completion by Wes Johnson with Horrocks Engineering, and the Fire Marshal will need to verify hydrant locations and road widths are installed per approved plans.



Tex R. Couch CBO/MCP
Midway City Building Official/Fire Marshal
75 West 100 North
Midway, Utah 84049
tcouch@midwaycityut.org
(435)654-3223 Ext. 107

Midway City Corporation



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Wayne's Pond Rural Preservation Subdivision

July 3, 2023

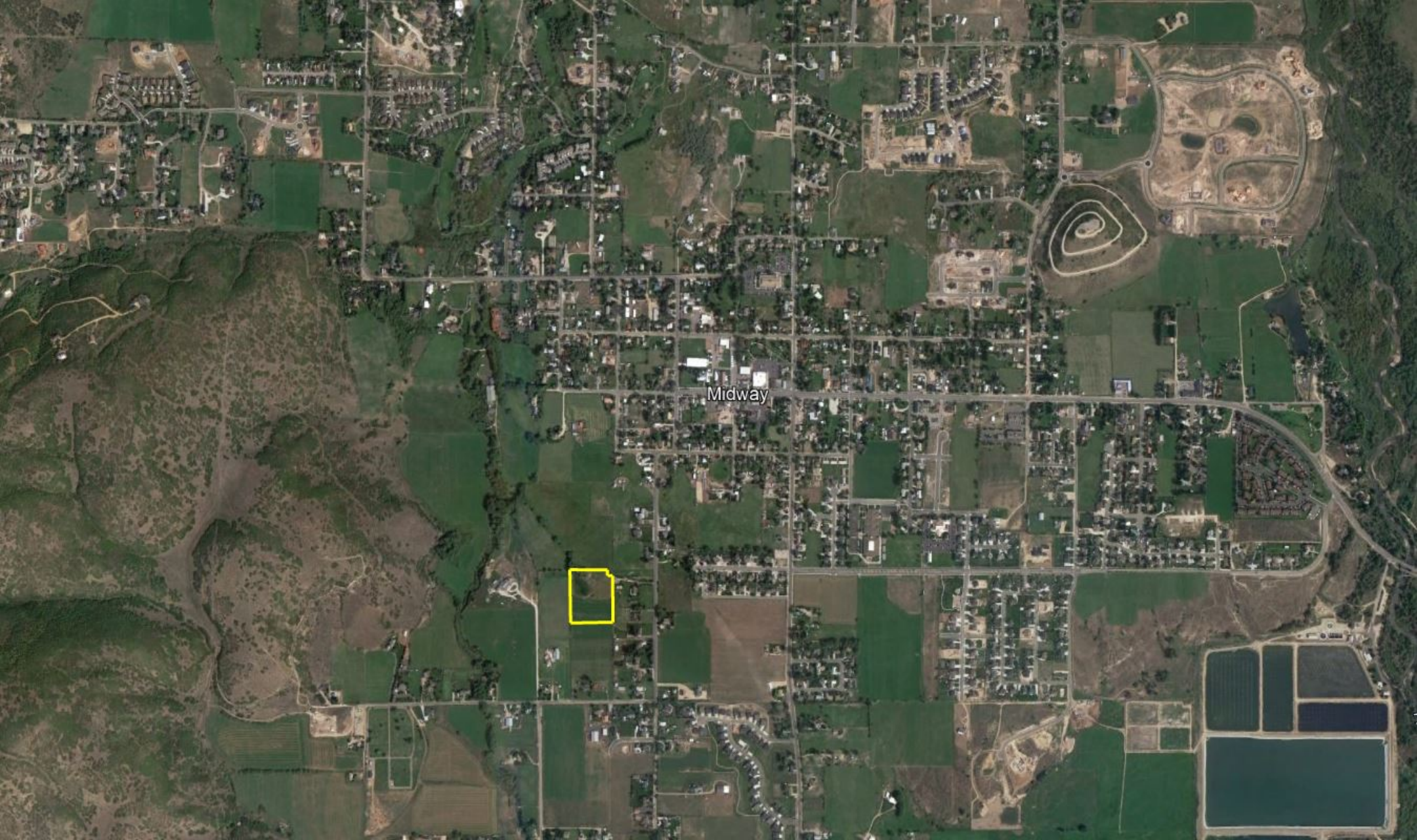
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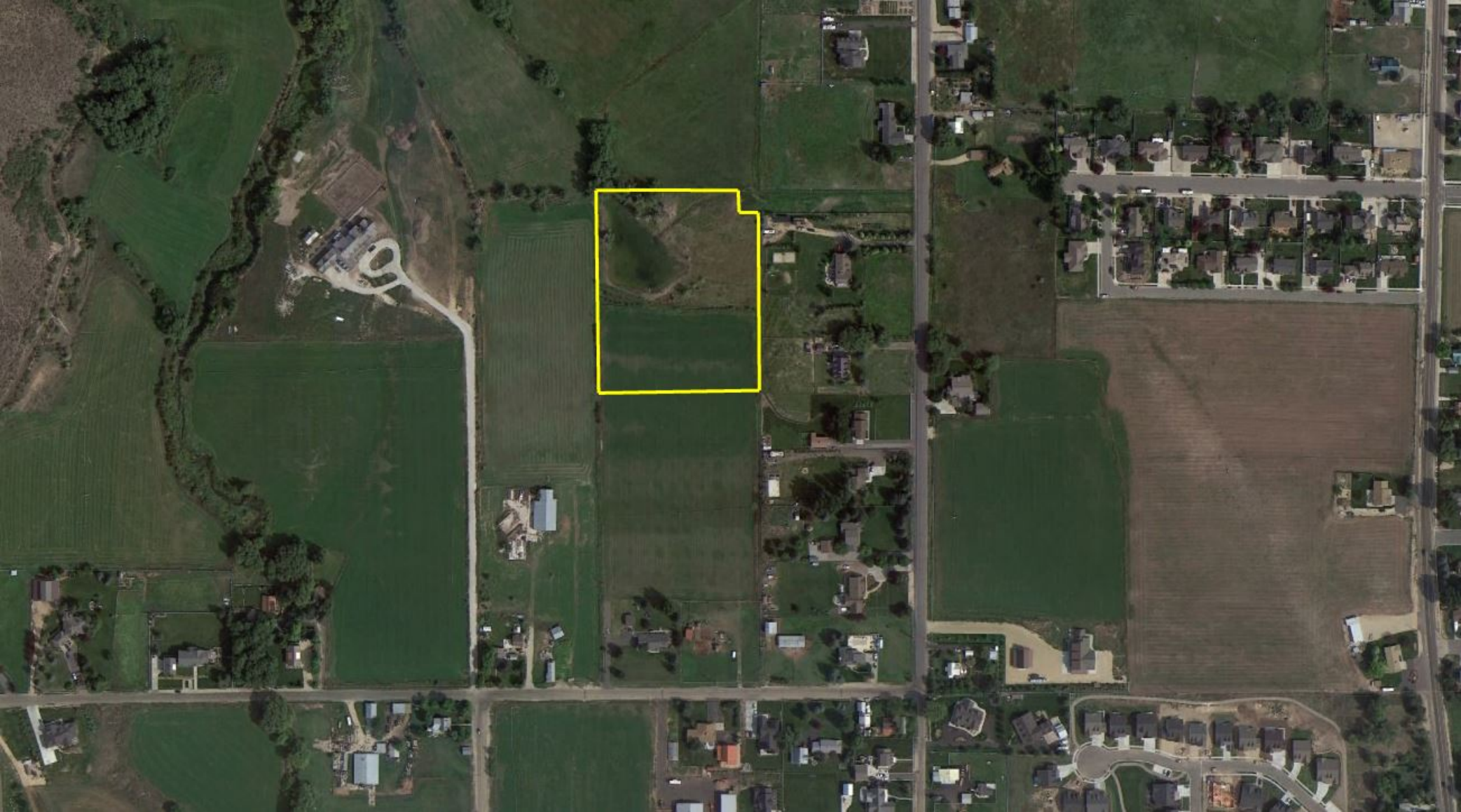


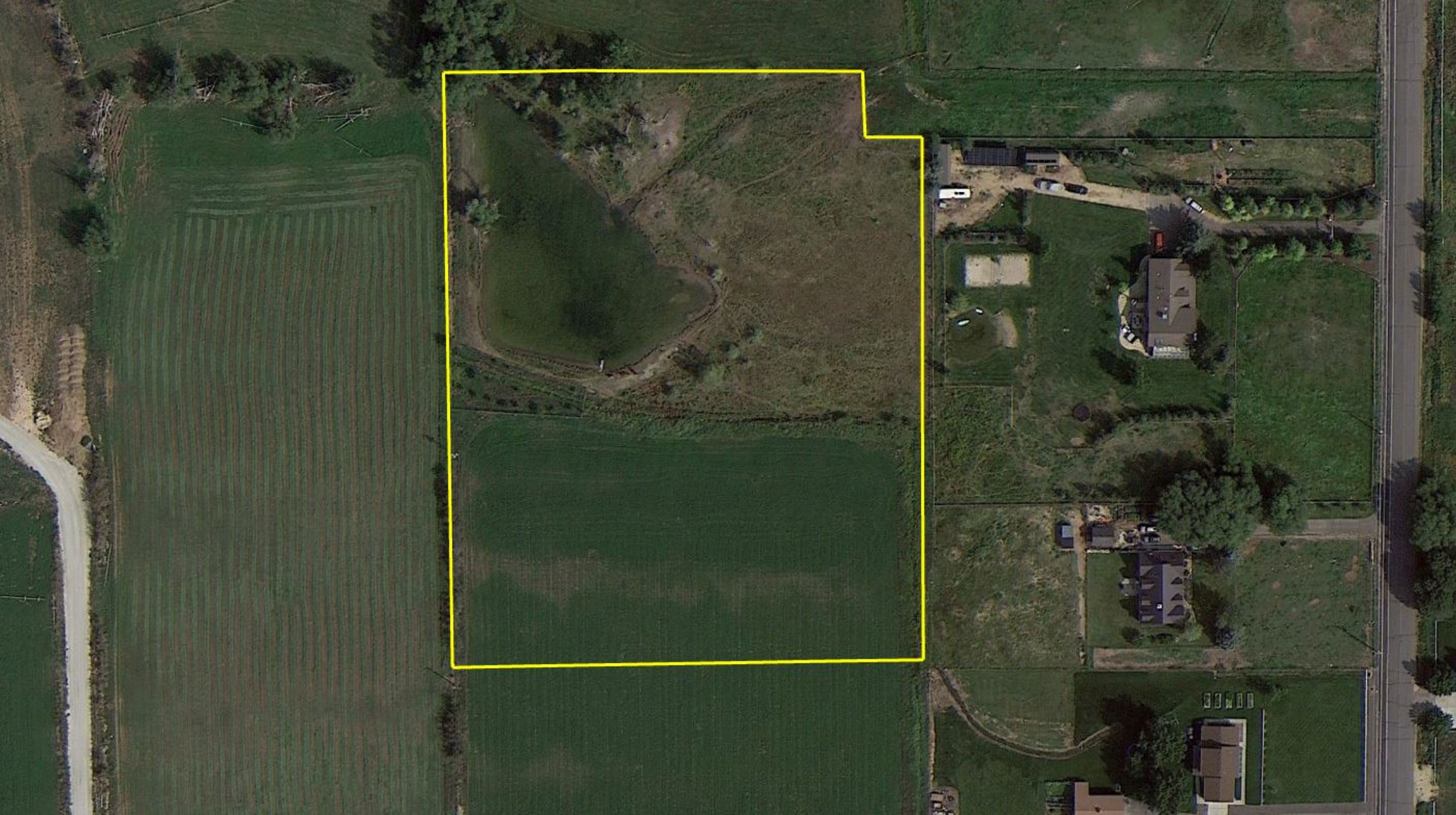
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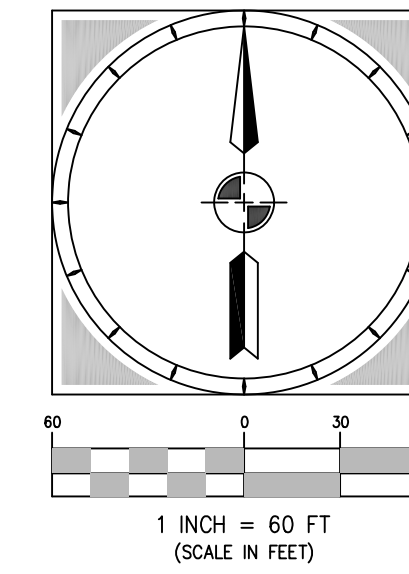
Midway







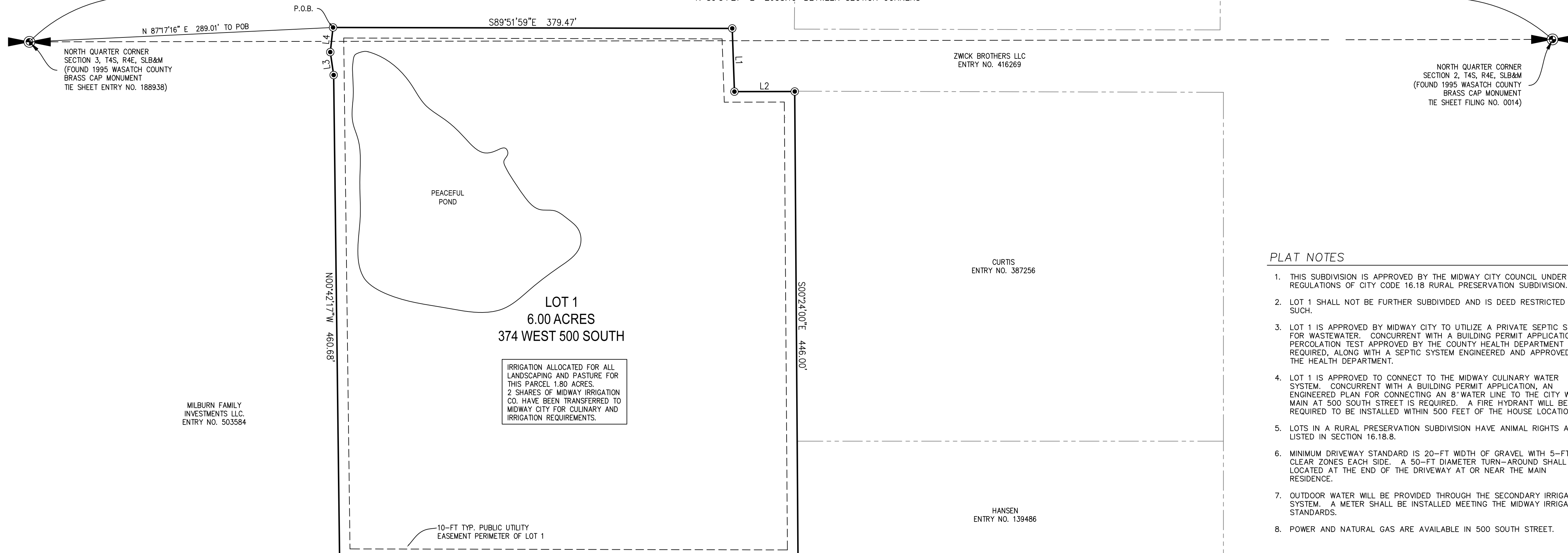
PEACEFUL POND



ZWICK BROTHERS LLC
ENTRY NO. 416268

GERTSCH
ENTRY NO. 310318
RECORD OF SURVEY #1891

BASIS OF BEARINGS
N 89°54'27" E 2658.19' BETWEEN SECTION CORNERS



PLAT NOTES

- THIS SUBDIVISION IS APPROVED BY THE MIDWAY CITY COUNCIL UNDER REGULATIONS OF CITY CODE 16.18 RURAL PRESERVATION SUBDIVISION.
- LOT 1 SHALL NOT BE FURTHER SUBDIVIDED AND IS DEED RESTRICTED AS SUCH.
- LOT 1 IS APPROVED BY MIDWAY CITY TO UTILIZE A PRIVATE SEPTIC SYSTEM FOR WASTEWATER. CONCURRENT WITH A BUILDING PERMIT APPLICATION, A PERCOLATION TEST APPROVED BY THE COUNTY HEALTH DEPARTMENT IS REQUIRED, ALONG WITH A SEPTIC SYSTEM ENGINEERED AND APPROVED BY THE HEALTH DEPARTMENT.
- LOT 1 IS APPROVED TO CONNECT TO THE MIDWAY CULINARY WATER SYSTEM. CONCURRENT WITH A BUILDING PERMIT APPLICATION, AN ENGINEERED PLAN FOR CONNECTING AN 8" WATER LINE TO THE CITY WATER MAIN AT 500 SOUTH STREET IS REQUIRED. A FIRE HYDRANT WILL BE REQUIRED TO BE INSTALLED WITHIN 500 FEET OF THE HOUSE LOCATION.
- LOTS IN A RURAL PRESERVATION SUBDIVISION HAVE ANIMAL RIGHTS AS LISTED IN SECTION 16.18.B.
- MINIMUM DRIVEWAY STANDARD IS 20-FT WIDTH OF GRAVEL WITH 5-FT WIDE CLEAR ZONES EACH SIDE. A 50-FT DIAMETER TURN-AROUND SHALL BE LOCATED AT THE END OF THE DRIVEWAY AT OR NEAR THE MAIN RESIDENCE.
- OUTDOOR WATER WILL BE PROVIDED THROUGH THE SECONDARY IRRIGATION SYSTEM. A METER SHALL BE INSTALLED MEETING THE MIDWAY IRRIGATION STANDARDS.
- POWER AND NATURAL GAS ARE AVAILABLE IN 500 SOUTH STREET.

PROPERTY CORNER NOTES

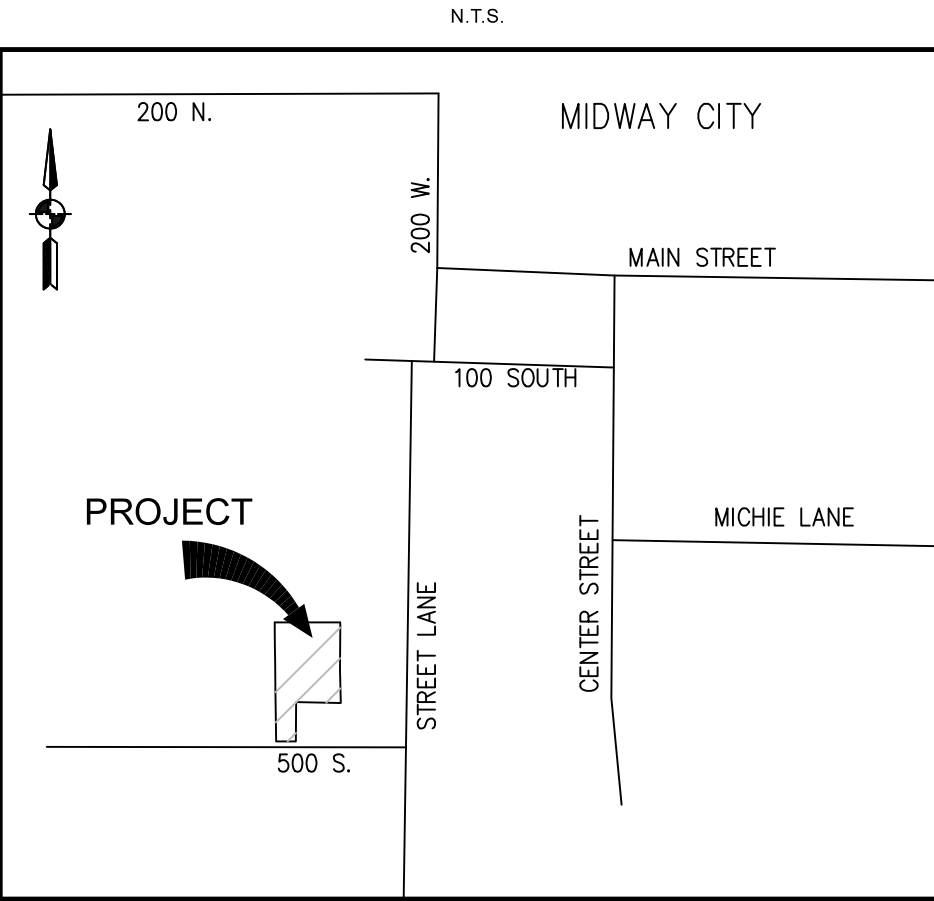
- 5/8" REBAR AND PLASTIC CAP STAMPED "SUMMIT ENG 435-654-9229" TO BE SET AT SUBDIVISION CORNERS AND REAR LOT CORNERS.

LEGEND

- SECTION LINES
- ADJACENT PROPERTY LINES
- PUBLIC UTILITY EASEMENT LINES
- EXTERIOR SUBDIVISION CORNER, SET 5/8" REBAR AND CAP MARKED "SUMMIT ENGINEERING 435-654-9229"
- 56' ACCESS & UTILITY EASEMENT

LINE	BEARING	DISTANCE
L1	S01°59'23"E	60.16'
L2	N89°53'13"E	57.33'
L3	N08°20'33"W	22.06'
L4	N06°26'50"E	23.55'

VICINITY MAP



SURVEYOR'S CERTIFICATE

I, KEVIN BALLS DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 11207308-2201 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 ONE LOT AND EASEMENTS.

KEVIN BALLS - P.L.S. DATE _____

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 89°54'27" EAST 5316.39 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.

BOUNDARY DESCRIPTION

BEGINNING NORTH 87°17'16" EAST 289.01 FEET FROM THE 1995 WASATCH COUNTY MONUMENT FOR THE NORTH 1/4 CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (BASIS OF BEARINGS BEING NORTH 89°54'27" EAST BETWEEN THE SAID NORTH QUARTER CORNER AND THE NORTH QUARTER CORNER OF SECTION 2, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN);
AND RUNNING THENCE SOUTH 89°51'59" EAST 379.47 FEET ALONG AN EXISTING FENCE LINE;
THENCE SOUTH 01°59'23" EAST 60.16 FEET ALONG AN EXISTING FENCE LINE;
THENCE NORTH 89°53'13" EAST 57.33 FEET;
THENCE SOUTH 00°24'00" EAST 446.00 FEET ALONG A FENCE LINE;
THENCE NORTH 89°51'59" WEST 435.78 FEET;
THENCE ALONG A FENCE LINE THE FOLLOWING THREE COURSES: (1) THENCE NORTH 00°42'17" WEST 460.68 FEET; (2) THENCE NORTH 08°20'33" WEST 22.06 FEET; (3) THENCE NORTH 06°26'50" EAST 23.55 FEET TO THE POINT OF BEGINNING.
CONTAINS 5.00 ACRES
TOGETHER WITH A 56-FT WIDE RIGHT-OF-WAY TO 500 SOUTH STREET

OWNER'S DEDICATION AND CONSENT TO RECORD

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 RECORDATION 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 10-9-807 UTAH CODE TO MIDWAY CITY THE PUBLIC UTILITY EASEMENTS AS SHOWN HEREON.

WAYNE PROST FAMILY LIVING TRUST DATE _____

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF WASATCH
ON THIS DAY OF _____, PERSONALLY APPEARED BEFORE ME _____
THE SIGNER OF THE ABOVE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT HE SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

ACCEPTANCE BY LEGISLATIVE BODY

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 THIS DAY OF _____

MAYOR _____
CLERK-RECORDER _____

MIDWAY CITY APPROVALS

ATTORNEY DATE _____ MIDWAY IRRIGATION DATE _____
CITY ENGINEER DATE _____

PLANNING COMMISSION APPROVAL

CHAIRMAN, PLANNING COMMISSION DATE _____ PLANNING DIRECTOR DATE _____

COUNTY SURVEYOR

APPROVED AS TO FORM THIS DAY OF _____
ROS # _____
WASATCH COUNTY SURVEYOR _____

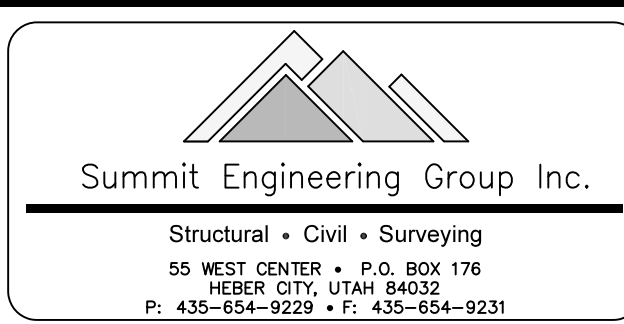
COUNTY HEALTH DEPT

APPROVED PERCOLATION TEST _____
WASATCH CO. ENVIRONMENTAL HEALTH DATE _____

WASATCH COUNTY RECORDER

ENTRY # _____ BOOK _____ PAGE _____
DATE _____ TIME _____ FEE _____
FOR _____
BY _____ WASATCH COUNTY RECORDER MARCY M. MURRAY

PROJECT
L22-066
SHEET
1 OF 1
ISSUE DATE
FEB 24, 2022



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SUMMIT ENGINEERING GROUP INC.
DRAWING ALTERATION
IT IS A VIOLATION OF LAW FOR ANY PERSON UNLESS ACTING UNDER THE DIRECTION OF THE PROFESSIONAL LAND SURVEYOR TO ALTER ANY ITEM ON THIS DOCUMENT. ALTERATIONS FOLLOWED BY LAW TO AFFIX THEIR SEAL AND THE NOTATION ALTERED BY FOLLOWED BY THEIR SIGNATURE AND SPECIFIC DESCRIPTION OF THE ALTERATIONS.

PEACEFUL POND A RURAL PRESERVATION SUBDIVISION

IN MIDWAY CITY, UTAH

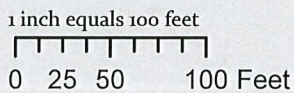
LOCATED IN THE NE 1/4 OF
SECTION 3, TOWNSHIP 4 SOUTH,
RANGE 4 EAST, SLB&M

WASATCH COUNTY, UTAH

111°28'43"W 40°30'27"N



111°28'51"W 40°30'21"N



- Survey Area (5.17 acres)
- Delineation Sample Points
- ▲ OHWM Cross-section
- 1 Foot Contour Intervals
- ◻ Culvert

Legend

- Aquatic Resources**
- ▤ Excavated Ditch (0.12 ac; 800 lf)
- Palustrine Emergent Wetland (1.46 ac)
- ▨ Man-Made Pond (0.78 ac)

Probst Property
Midway, Wasatch County, Utah
Wetland Delineation Map



Google Imagery 09/10/2018
 AGRC WTMS Image Service
 GCS: GCS WGS 1984

The wetland delineation results are preliminary and have not been verified by the US Army Corps of Engineers.
 Wetlands Delineated by B. Thomas, July, 2022. Wetland Delineation Maps Prepared by P. McGuire.

WASATCH COUNTY HEALTH DEPARTMENT
Percolation Test Certificate and Soil Exploration Results

This information is required for determining soil suitability for Individual Wastewater Disposal Systems

Tax ID Number: 00-0021-5008 Date: April 2 2021
 Subdivision Name: _____ Lot Number: _____
 Property Owner Name: Joe Probst Phone: _____
 Property Address: 330 W 500 S Midway UT

I certify that the percolation tests have been conducted on the above property, in accordance with requirements specified in R317-4. Onsite Wastewater Systems rule and Wasatch County Health Department Rules, and that the percolation rates, calculated as specified by said rules, are as follows:

Test Hole No.	Test Hole Depth (from existing grade to top of hole)	Saturation Period Hrs. & Min.	Swelling Period Hrs. & Min.	Inches Drop final 30 min.	Final Stabilized Perc. Rate Minutes per inch
<u>1</u>	<u>24"</u>	<u>4 hrs</u>	<u>20 hrs</u>	<u>3-3/4"</u>	<u>8.00</u> min/in
_____	_____	_____	_____	_____	min/in
_____	_____	_____	_____	_____	min/in

Statement of soil conditions obtained from soil explorations to a depth of 10 feet. In the event that the absorption system will be deeper than 6 feet, soil explorations must extend to a depth of at least 4 feet below the bottom of the proposed absorption field, seepage trench or absorption bed. A descriptive log of each exploration pit must be given based on the USDA Soil Classification System:

Log of Soil Condition Soil Description

Ground surface to <u>18"</u>	<u>Topsoil</u>
<u>18"</u> to <u>30"</u>	<u>Sandy Loam 20% Cobble</u>
<u>30"</u> to <u>96"</u>	<u>Loamy Sand 30% Cobble</u>
_____ to _____	_____
_____ to _____	_____

Date of Soil exploration(s) conducted: April 2 2021

Statement of present and maximum anticipated ground water table throughout the property and area of the proposed individual wastewater system: No groundwater encountered or anticipated

Date ground water table determined: April 2 2021

I hereby certify that to the best of my knowledge, the foregoing information is correct.

Date: April 2 2021 Sig: Benjamin Witt

Name of Perc Tester: Benjamin Witt

Address: 1921 E Keystone Court Heber City, UT

Fee Collected () **Note: Unsigned test certificates will not be accepted.**

WASATCH COUNTY HEALTH DEPARTMENT

Record Sheet for Conducting Soil Percolation Tests

Name of Property Owner: Bob Probst Date: April 2 2021

Location of Property: 330 W 500 S

Name of Person Conducting Test: Benjamin Witt

Total Depth of Test (from ground surface): 24" Hole width: 4"

Depth to Water Table: Unkown Saturation Period: 4 hrs Swelling Period: 20 hrs

Measurement interval 30 min (x)

Percolation test no. _____

Initial Depth	Beginning Time	Final Depth	Ending Time	Distance drop (in)	Elapsed Time (min)	Perc rate min/in
1. 9"	1:28	14-1/2"	1:58	5-1/2"	30.00	
2. 9-1/8"	1:59	13-1/4"	2:29	4-1/8"	30.00	
3. 9"	2:29	12-7/8"	2:59	3-7/8"	30.00	
4. 9-1/4"	3:01	13"	3:31	3-3/4"	30.00	8.00
5.						
6.						
7.						
8.						

Final Stabilized Rate 8.00 min/in

Notes:

Note: This is a work sheet only! A signed Percolation Test Certificate must be provided to the health department.