

Midway City Council
19 October 2021
Regular Meeting

Probst Farm Subdivision /
Final Approval Revision



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: October 19, 2021

NAME OF PROJECT: Probst Farm Rural Preservation Subdivision

NAME OF APPLICANT: Randall K. Probst

PROPERTY OWNER: Randall K. Probst

ENGINEER: Summit Engineering

AGENDA ITEM: Proposed Revision of Preliminary/Final Approval

LOCATION OF ITEM: 495 North Center Street

ZONING DESIGNATION: R-1-15

ITEM: 8

Randall K. Probst is requesting revision of the preliminary/final approval of the Probst Farm Rural Preservation Subdivision. The property is five acres and located at 495 North Center Street and zoned R-1-15.

BACKGROUND:

This request to revise the preliminary/final approval of the Probst Farm Rural Preservation Subdivision which was originally approved on December 1, 2020. The approved subdivision is on 5.02 acres and contains one lot. The project is on the historic Probst Farm 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. There are two barns on the property and two other smaller buildings.

The proposed revision will adjust the required water rights that must be dedicated to the City before the plat is recorded. The City Council, based on a recommendation from the Water Board, approved the proposal with a requirement to dedicate 13.7 acre feet that would cover the requirements for a culinary connection and for irrigation of the property. The following is the formula for the water requirement:

- 5.02 acre parcel
 - Area of parcel
 - 218,671 sq. ft.
 - Historically Irrigated
 - 196,020 sq. ft. (4.5 acres)
 - Impervious area for lots
 - 8,000 sq. ft. (1 x 8,000) (0.18 acres)
 - Irrigated acreage
 - $4.3 \times 3 = 12.9$ acre feet
 - 1 culinary connection
 - 0.8 acre feet
- 13.7 acre feet requirement

Recently Randall Probst went before the Water Board and presented new information regarding his property. He explained that some of the property is sensitive land and should not have a water requirement. The Water Board reviewed the information and then made a recommendation to the City Council to reduce the water requirement from 13.7 acre feet to 11.3 acre feet as shown in the information below:

- 5.02 acre parcel
 - Area of parcel
 - 218,671 sq. ft.
 - Historically Irrigated
 - 152,460 sq. ft. (3.5 acres from Midway Irrigation Company Shares)
 - Impervious area for lots
 - 8,000 sq. ft. (1 x 8,000) (0.18 acres)
 - Irrigated acreage
 - $3.5 \times 3 = 10.5$ acre feet
 - 1 culinary connection
 - 0.8 acre feet
- 11.3 acre feet requirement

The City Council may revise the preliminary/final approval or deny the request.

POSSIBLE FINDINGS:

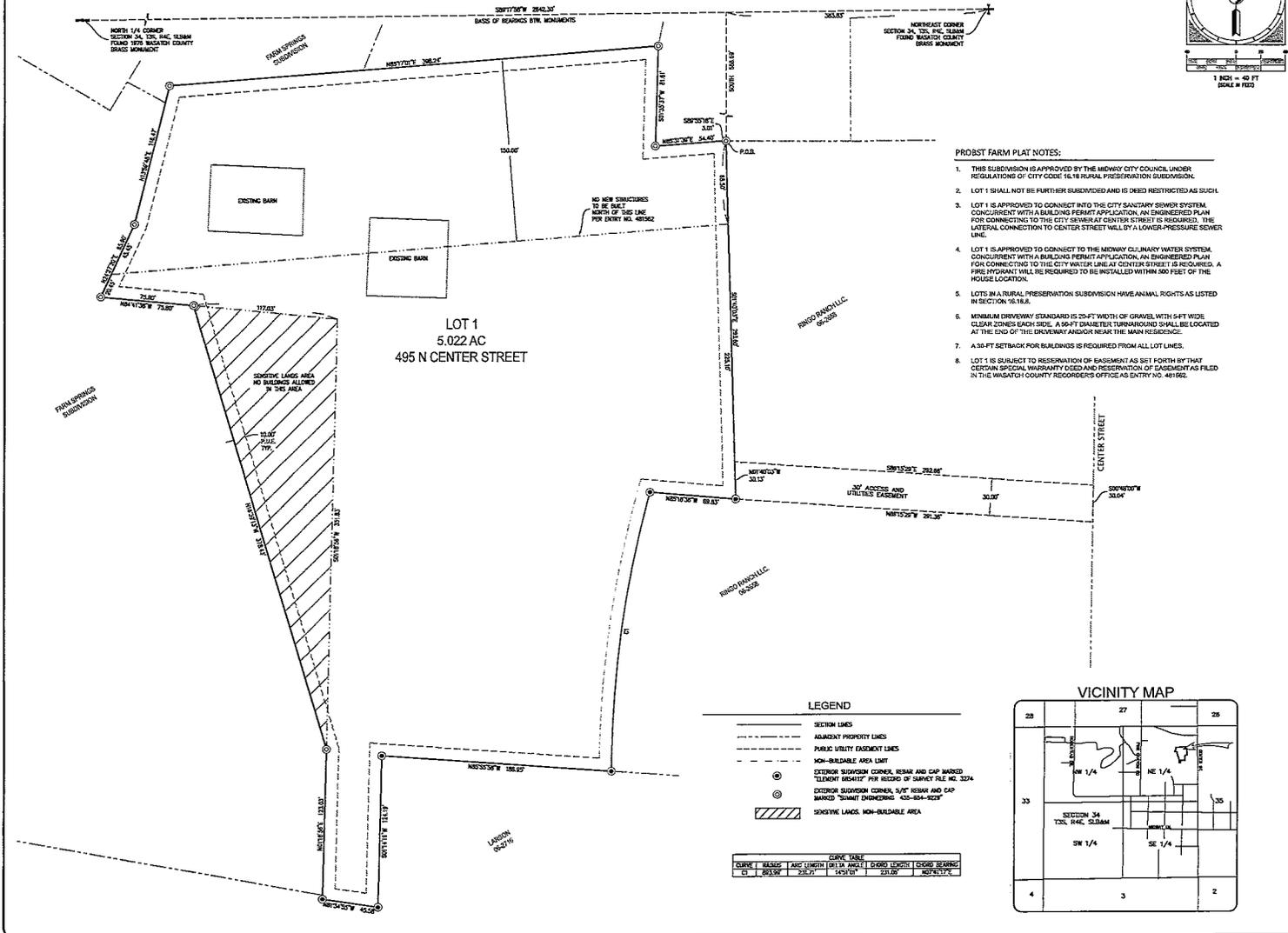
- The proposed lot meets the minimum requirements for the R-1-15 zoning district
- The proposal does meet the intent of the General Plan for the R-1-15 zoning district
- The proposal does comply with the requirements for the Rural Preservation Subdivision code
- The subdivision helps comply with the 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

ALTERNATIVE ACTIONS:

1. Revision of 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



PROBST FARM

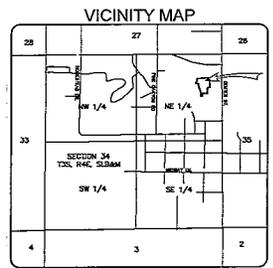


- PROBST FARM PLAT NOTES:**
- THIS SUBDIVISION IS APPROVED BY THE MIDWAY CITY COUNCIL UNDER REGULATIONS OF CITY CODE 16-18 RURAL PRESERVATION SUBDIVISION.
 - LOT 1 SHALL NOT BE FURTHER SUBDIVIDED AND IS DEED RESTRICTED AS SUCH.
 - LOT 1 IS APPROVED TO CONNECT INTO THE CITY SANITARY SEWER SYSTEM. CONCURRENT WITH A BUILDING PERMIT APPLICATION, AN ENGINEERED PLAN FOR CONNECTING TO THE CITY SEWER AT CENTER STREET IS REQUIRED. THE LATERAL CONNECTION TO CENTER STREET SHALL BE A LOWER-PRESSURE DRAINAGE LINE.
 - LOT 1 IS APPROVED TO CONNECT TO THE MIDWAY CULINARY WATER SYSTEM. CONCURRENT WITH A BUILDING PERMIT APPLICATION, AN ENGINEERED PLAN FOR CONNECTING TO THE CITY WATER LINE AT CENTER 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 16-18.6.
 - MINIMUM DRIVEWAY STANDARD IS 24 FT WIDTH OF GRANULE WITH 5 FT WIDE CLEAR ZONES EACH SIDE. A 56-FT DIAMETER TURNAROUND SHALL BE LOCATED AT THE END OF THE DRIVEWAY AND/OR NEAR THE MAIN RESIDENCE.
 - A 30-FT SETBACK FOR BUILDINGS IS REQUIRED FROM ALL LOT LINES.
 - LOT 1 IS SUBJECT TO REVERSION OF EASEMENT AS SET FORTH BY THAT CERTAIN SPECIAL WARRANTY DEED AND REVERSION OF EASEMENT AS FILED IN THE WASATCH COUNTY RECORDER'S OFFICE AS ENTRY NO. 481962.

LEGEND

- SECTION LINES
- ADJACENT PROPERTY LINES
- PUBLIC UTILITY EASEMENT LINES
- NON-BUILDABLE AREA LIMIT
- EXISTING SUBDIVISION CORNER, 3/4" IRON AND CAP MARKED TOLERANCE 1/8" PER RECORD OF SURVEY FILE NO. 3374
- EXISTING SUBDIVISION CORNER, 5/8" IRON AND CAP MARKED TOLERANCE 1/8" PER RECORD OF SURVEY FILE NO. 3374
- SENSITIVE LANDS, NON-BUILDABLE AREA

| CURVE TABLE | | | | | |
|-------------|----------|------------|---------|--------------|---------------|
| CURVE | BEARING | ARC LENGTH | DELTA | CHORD LENGTH | CURVE BEARING |
| C1 | S81.92°E | 215.71' | 145.01° | 231.09' | N02.172°E |



SURVEYOR'S CERTIFICATE

I, KEVIN M. BALLS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 13207208 AS PROVIDED UNDER THE LAWS OF THE STATE OF UTAH. I FURNISH CERTIFY BY AUTHORITY OF THE COMMISSION 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.

KEVIN M. BALLS P.L.S.

DATE _____

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 81°37'07" WEST BY THE WASATCH COUNTY SURVEY MONUMENTS FOR THE NORTHEAST CORNER AND NORTH QUARTER CORNER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON A BOUNDARY LINE ESTABLISHED BY A BOUNDARY LINE AGREEMENT FOR ENTRY NO. 481962 IN THE WASATCH COUNTY RECORDER'S OFFICE, SAID POINT BEING SOUTH 81°37'07" WEST 308.95 FEET ALONG THE SECTION LINE AND SOUTH 08°58'59" WEST FROM THE WASATCH COUNTY RECORDS; THENCE ALONG SAID BOUNDARY LINE TO THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN; THENCE ALONG SAID BOUNDARY LINE AGREEMENT THE FOLLOWING BEARS COURSE: (1) S81°37'07" WEST 263.00 FEET; (2) THENCE NORTH 07°30'18" EAST 33.24 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTWARD HAVING A RADIUS OF 163.99 FEET AND 70 DEGREE POINT A BEARING AND DISTANCE OF S81°37'07" WEST 233.24 FEET TO A POINT ON A BOUNDARY LINE ESTABLISHED BY A BOUNDARY LINE AGREEMENT FOR ENTRY NO. 481962 IN THE WASATCH COUNTY RECORDER'S OFFICE; THENCE ALONG SAID BOUNDARY LINE AGREEMENT THE FOLLOWING BEARS COURSE: (1) NORTH 20°14'18" WEST 104.19 FEET; THENCE NORTH 07°30'18" EAST 33.24 FEET ALONG A FENCE LINE; THENCE NORTHEAST 12.00 FEET TO AND ALONG THE FENCE SPRINGS SUBDIVISION PER ENTRY NO. 48038 IN THE WASATCH COUNTY RECORDS; THENCE ALONG SAID FENCE SPRINGS SUBDIVISION CHAIN AREA LOT 17 ADJACENT PLAT FOR ENTRY NO. 48038 IN THE WASATCH COUNTY RECORDS; THENCE ALONG SAID FENCE SPRINGS SUBDIVISION CHAIN AREA LOT 17 ADJACENT PLAT TO A POINT ON SAID FENCE SPRINGS SUBDIVISION; THENCE ALONG SAID FENCE SPRINGS SUBDIVISION THE FOLLOWING BEARS COURSE: (1) NORTH 07°30'18" WEST 123.00 FEET; (2) NORTH 07°30'18" WEST 164.67 FEET; (3) NORTH 07°30'18" WEST 36.24 FEET; (4) SOUTH 07°30'18" EAST 164.67 FEET; (5) NORTH 07°30'18" WEST 33.24 FEET TO THE POINT OF BEGINNING.

CONTAINS 5.022 ACRES.

OWNER'S DEDICATION AND CONSENT TO RECORD

I, THE UNDERSIGNED OWNER OF ALL THE REAL PROPERTY SHOWN ON THIS PLAT AND DESCRIBED BY THE BOUNDARY DESCRIPTION ON THIS PLAT, HAVE DESIGNATED THE LAND DESCRIBED ON THIS PLAT TO BE USED AS DESCRIBED ON THIS PLAT, AND NOW DO HEREBY CONSENT TO THE PROVISIONS OF 16-18-18 UTAH C.A.R.S. RESPECT TO THE REVERSION OF EASEMENT TO MIDWAY CITY, UTAH, ALL EASEMENTS AND ALL OTHER PLACES OF PUBLIC USE, TOGETHER WITH ALL IMPROVEMENTS REQUIRED BY THE DEVELOPMENT AGREEMENT BETWEEN THE ENGINEERED AND MIDWAY CITY FOR THE BENEFIT OF THE CITY AND THE RESIDENTS THEREOF.

KAY PROBST FAMILY TRUST DATED JUNE 6, 1998, RANDALL K. PROBST TRUSTEE

RANDALL K. PROBST, TRUSTEE

DATE _____

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF WASATCH

ON THIS DAY OF _____, I, RANDALL K. PROBST, TRUSTEE, THE OWNER OF THE ABOVE OWNER'S DEDICATION, AND DO HEREBY ACKNOWLEDGE 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 THEREON.

THE DAY OF _____

MAYOR _____

CLERK-RECORDER _____

MIDWAY CITY APPROVALS

ATTORNEY _____ DATE _____ MIDWAY IRRIGATION _____ DATE _____

CITY ENGINEER _____ DATE _____ MIDWAY SANITATION DISTRICT _____ DATE _____

PLANNING COMMISSION APPROVAL **PLANNING DIRECTOR APPROVAL**

CHAIRMAN, PLANNING COMMISSION _____ DATE _____ PLANNING DIRECTOR _____ DATE _____

WASATCH COUNTY SURVEYOR

APPROVED AS TO FORM THIS DAY OF _____

NO. # _____

COUNTY SURVEYOR _____ DATE _____

WASATCH COUNTY RECORDER

ENTRY # _____ BOOK _____ PAGE _____

DATE _____ TIME _____ FEET _____

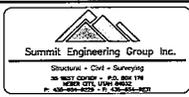
FOR _____

BY _____ WASATCH COUNTY RECORDER PEGGY FOLY SALSBER

PROJECT
L20-158

SHEET
1 OF 1

ISSUE DATE
09/16/2022



REFERENCE DESIGN
STAMP ENGINEERING GROUP, INC.
MIDWAY, UTAH

PROBST FARM A RURAL PRESERVATION SUBDIVISION IN MIDWAY CITY, UTAH

LOCATED IN THE NE 1/4 OF
SECTION 34, TOWNSHIP 3 SOUTH,
RANGE 4 EAST, SLB&M
WASATCH COUNTY, UTAH

