

Midway City Council
19 November 2019
Regular Meeting

Farm Springs Subdivision /
Amendment



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: November 19, 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: 13

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.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Ream: I motion that we approve the 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. We accept staff findings and include the condition that there be a legal affirmation from the City Attorney.

Seconded: Commissioner O'Toole

Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Ream, O'Toole, Nicholas, Bouwhuis

Nays: None

Motion: Passed

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. Approval (conditional). This action can be taken if the City Council 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 City Council 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. Denial. This action can be taken if the City Council feels that the request does not comply with the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial



Farm Springs

Probst

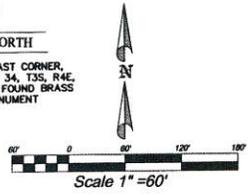
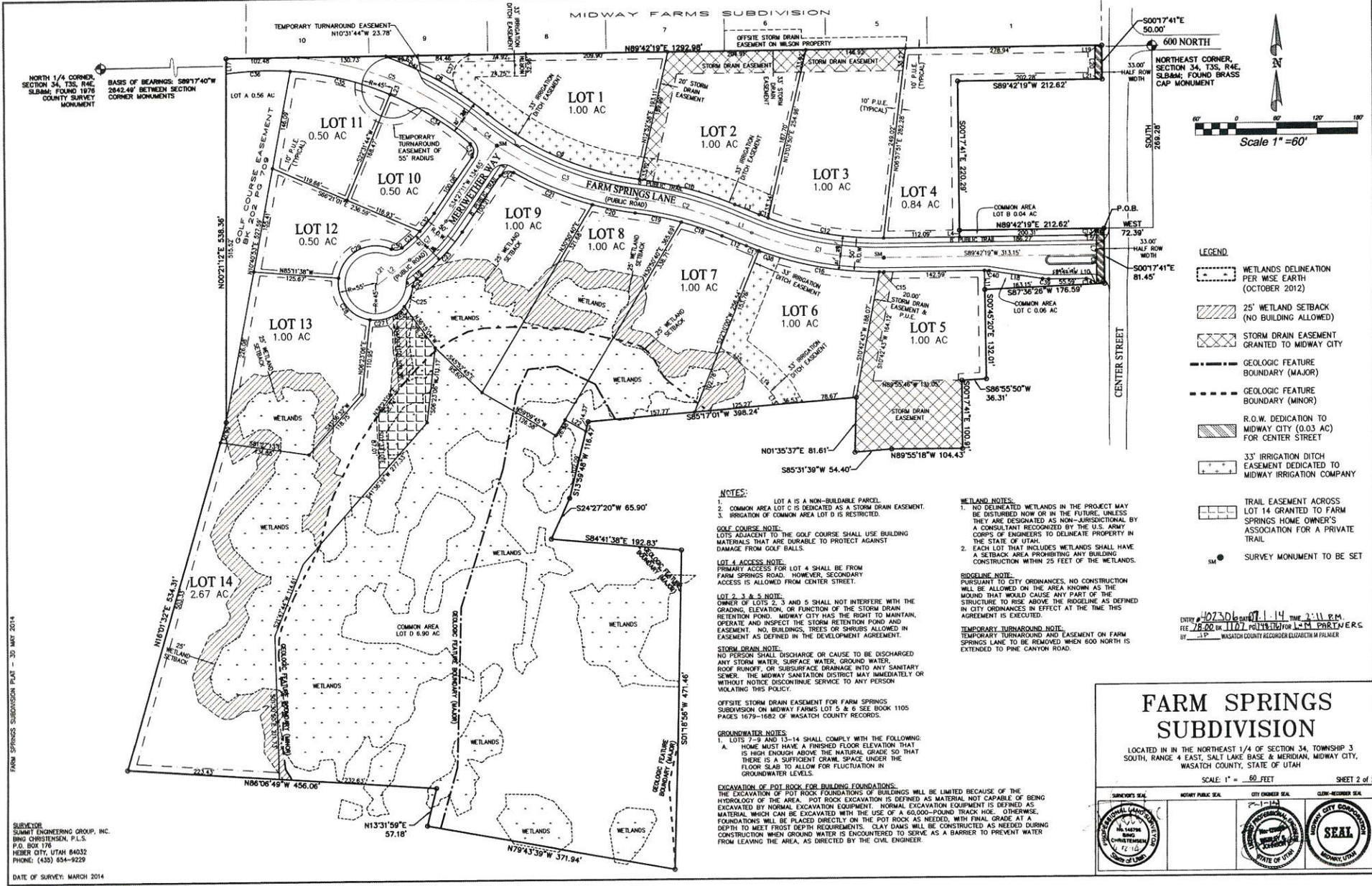
**Lot line
adjustment**

N Center St

Meadow Ln

450 N

E 600 N



- LEGEND**
- WETLANDS DELINEATION PER WISE EARTH (OCTOBER 2012)
 - 25' WETLAND SETBACK (NO BUILDING ALLOWED)
 - STORM DRAIN EASEMENT GRANTED TO MIDWAY CITY
 - GEOLOGIC FEATURE BOUNDARY (MAJOR)
 - GEOLOGIC FEATURE BOUNDARY (MINOR)
 - R.O.W. DEDICATION TO MIDWAY CITY (0.03 AC) FOR CENTER STREET
 - 33' IRRIGATION DITCH EASEMENT DEDICATED TO MIDWAY IRRIGATION COMPANY
 - TRAIL EASEMENT ACROSS LOT 14 GRANTED TO FARM SPRINGS HOME OWNER'S ASSOCIATION FOR A PRIVATE TRAIL
 - SURVEY MONUMENT TO BE SET

NOTES:

1. LOT A IS A NON-BUILDABLE PARCEL.
2. COMMON AREA LOT C IS DEDICATED AS A STORM DRAIN EASEMENT.
3. IRRIGATION OF COMMON AREA LOT D IS RESTRICTED.

GOLF COURSE NOTE:
LOTS ADJACENT TO THE GOLF COURSE SHALL USE BUILDING MATERIALS THAT ARE DURABLE TO PROTECT AGAINST DAMAGE FROM GOLF BALLS.

LOT 4 ACCESS NOTE:
PRIMARY ACCESS FOR LOT 4 SHALL BE FROM FARM SPRINGS ROAD. HOWEVER, SECONDARY ACCESS IS ALLOWED FROM CENTER STREET.

LOT 2, 3 & 5 NOTE:
OWNER OF LOTS 2, 3 AND 5 SHALL NOT INTERFERE WITH THE GRADING, ELEVATION, OR FUNCTION OF THE STORM DRAIN RETENTION POND. MIDWAY CITY HAS THE RIGHT TO MAINTAIN, OPERATE AND INSPECT THE STORM RETENTION POND AND EASEMENT. NO BUILDINGS, TREES OR SHRUBS ALLOWED IN EASEMENT AS DEFINED IN THE DEVELOPMENT AGREEMENT.

STORM DRAIN NOTE:
NO PERSON SHALL DISCHARGE OR CAUSE TO BE DISCHARGED ANY STORM WATER, SURFACE WATER, GROUND WATER, ROOF RUNOFF, OR SUBSURFACE DRAINAGE INTO ANY SANITARY SEWER. THE MIDWAY SANITATION DISTRICT MAY IMMEDIATELY OR WITHOUT NOTICE DISCONTINUE SERVICE TO ANY PERSON VIOLATING THIS POLICY.

OFFSITE STORM DRAIN EASEMENT FOR FARM SPRINGS SUBDIVISION ON MIDWAY FARMS LOTS 5 & 6 SEE BOOK 1105 PAGES 1679-1682 OF WASATCH COUNTY RECORDS.

GROUNDWATER NOTES:
A. LOTS 7-9 AND 13-14 SHALL COMPLY WITH THE FOLLOWING:
1. FOUND FLOOR ELEVATION THAT IS HIGH ENOUGH ABOVE THE NATURAL GRADE SO THAT THERE IS A SUFFICIENT CRAWL SPACE UNDER THE FLOOR SLAB TO ALLOW FOR FLUCTUATION IN GROUNDWATER LEVELS.

EXCAVATION OF POT ROCK FOR BUILDING FOUNDATIONS:
THE EXCAVATION OF POT ROCK FOUNDATIONS OF BUILDINGS WILL BE LIMITED BECAUSE OF THE HYDROLOGY OF THE AREA. POT ROCK EXCAVATION IS DEFINED AS MATERIAL NOT CAPABLE OF BEING EXCAVATED BY NORMAL EXCAVATION EQUIPMENT. NORMAL EXCAVATION EQUIPMENT IS DEFINED AS MATERIAL WHICH CAN BE EXCAVATED WITH THE USE OF A GROUND-POUND TRACK HOE. OTHERS FOUNDATIONS WILL BE PLACED DIRECTLY ON THE POT ROCK AS NEEDED, WITH FINAL GRADE AT A DEPTH TO MEET FROST DEPTH REQUIREMENTS. CLAY DAMS WILL BE CONSTRUCTED AS NEEDED DURING CONSTRUCTION WHEN GROUND WATER IS ENCOUNTERED TO SERVE AS A BARRIER TO PREVENT WATER FROM LEAVING THE AREA, AS DIRECTED BY THE CIVIL ENGINEER.

WETLAND NOTES:

1. NO DELINEATED WETLANDS IN THE PROJECT MAY BE DISTURBED NOW OR IN THE FUTURE, UNLESS THEY ARE DESIGNATED AS NON-JURISDICTIONAL BY A CONSULTANT RECORDED BY THE U.S. ARMY CORPS OF ENGINEERS TO DELINEATE PROPERTY IN THE STATE OF UTAH.
2. EACH LOT THAT INCLUDES WETLANDS SHALL HAVE A SETBACK AREA PROHIBITING ANY BUILDING CONSTRUCTION WITHIN 25 FEET OF THE WETLANDS.

BUILDING NOTE:

PURSUANT TO CITY ORDINANCES, NO CONSTRUCTION WILL BE ALLOWED ON THE AREA KNOWN AS THE MOUND THAT WOULD CAUSE ANY PART OF THE STRUCTURE TO RISE ABOVE THE RIDGELINE AS DEFINED IN CITY ORDINANCES IN EFFECT AT THE TIME THIS AGREEMENT IS EXECUTED.

TEMPORARY TURNAROUND NOTE:

TEMPORARY TURNAROUND AND EASEMENT ON FARM SPRINGS LANE TO BE REMOVED WHEN 600 NORTH IS EXTENDED TO PINE CANYON ROAD.

ENTRY: 407306 on 07-14 TIME 2:11 P.M.
FEE: 28.00 BY 1107 FOR 14M PART I.E.R.C.
BY: J.P. WASATCH COUNTY RECORDER ELIZABETH H PALMER

FARM SPRINGS SUBDIVISION

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

SCALE: 1" = 60 FEET

SHEET 2 of 2

SURVEYOR'S SEAL

HOVINY PUBLIC SEAL

CITY ENGINEER SEAL

GLW-RECORDER SEAL

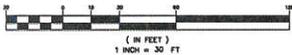
SURVEYOR:
SUMMIT ENGINEERING GROUP, INC.
BRUNO CHRISTENSEN, P.L.S.
P.O. BOX 176
HEBER CITY, UTAH 84032
PHONE: (435) 854-9229

DATE OF SURVEY: MARCH 2014

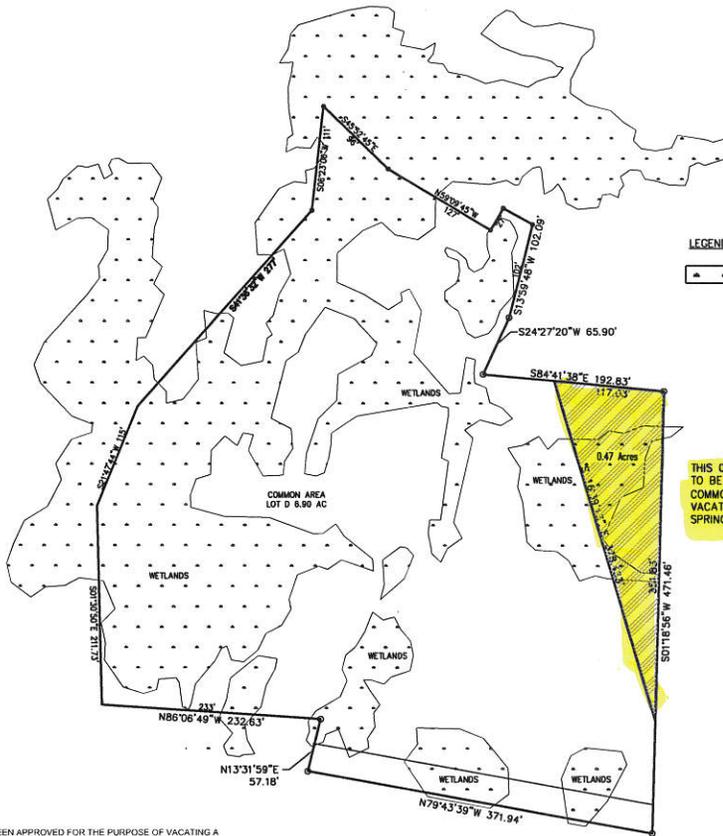
FARM SPRINGS SUBDIVISION COMMON SPACE 'D' AMENDED



GRAPHIC SCALE



VICINITY MAP



LEGEND

WETLANDS DELINEATION
PER WISE EARTH
(OCTOBER 2012)

THIS 0.47-AC AREA OF LAND
TO BE REMOVED FROM
COMMON SPACE 'D' AND
VACATED FROM THE FARM
SPRINGS SUBDIVISION PLAT.

SURVEYOR'S CERTIFICATE

I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HAVE COMPLETED AND RECORDED UNDER THE LAWS OF THE STATE OF UTAH, IN FULL COMPLIANCE WITH THE REQUIREMENTS OF THE UTAH PROFESSIONAL LAND SURVEYING ACT, A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW.

BING CHRISTENSEN
PROFESSIONAL LAND SURVEYOR

DATE

SURVEYOR'S SEAL

BOUNDARY DESCRIPTION

ALL OF COMMON AREA 'D' AS SHOWN ON THE FARM SPRINGS SUBDIVISION, ACCORDING TO THE ORIGINAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF RECORDER, WASATCH COUNTY, UTAH AS ENTRY 452308
CONTAINS 6.80 ACRES

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS PER THE ORIGINAL RECORDED SUBDIVISION PLAT FOR FARM SPRINGS, AS SHOWN HEREON. SAID BASIS OF BEARINGS IS IN CONFORMANCE WITH 1983 UTAH COORDINATE SYSTEM CENTRAL ZONE BEARINGS.

OWNER'S DEDICATION AND CONSENT TO RECORD

WE, THE REPRESENTATIVES OF THE HOME OWNERS' ASSOCIATION FOR FARM SPRINGS SUBDIVISION, REPRESENTING THE OWNERS OF THE COMMON AREA 'D' IN FARM SPRINGS SUBDIVISION, DEPICTED ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THIS PLAT AMENDMENT TO BE CREATED AND HEREBY GIVE CONSENT TO RECORD THIS PLAT.

NAME _____ DATE _____

NAME _____ DATE _____

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF WASATCH
ON THE _____ DAY OF _____, 2018, PERSONALLY APPEARED BEFORE ME _____, 1942, JUDGE OF THE ABOVE-SIGNED COUNTY, AND I HAD DULY ASSESSED THE ABILITY, MENTAL CAPACITY AND SOUND MIND OF EACH OF THEM TO RECORD AND HEREBY ACKNOWLEDGED TO ME THAT THEY EACH SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC _____ BY COMMISSION EXPIRES _____

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF MIDWAY, UTAH, APPROVES THIS SUBDIVISION PLAT AMENDMENT SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON.
PROJ. NO. _____, 2018.

MAYOR _____

CLERK-RECORDER _____

PLANNING APPROVAL

APPROVED THIS _____ DAY OF _____, 2018 BY THE CITY COUNCIL OF MIDWAY, UTAH:

PLANNING DIRECTOR _____

WASATCH COUNTY RECORDER

NARRATIVE

THE PURPOSE OF THIS PLAT AMENDMENT IS TO VACATE A PORTION OF COMMON SPACE 'D' FROM THE FARM SPRINGS SUBDIVISION. THE AREA TO BE VACATED IS 0.47 ACRES IN SIZE AND IS COMMON AREA FOR THE SUBDIVISION. THIS VACATED LAND WILL BE SOLD TO THE ADJOINING PROPERTY TO THE EAST.

MIDWAY CITY ATTORNEY

CITY ATTORNEY _____ DATE _____

MIDWAY SANITATION DISTRICT

DATE _____

MIDWAY ENGINEER APPROVAL

CITY ENGINEER _____ 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. UPON RECORDATION 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 RECORDATION 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 402308 IN WASATCH COUNTY OFFICIAL RECORDS.
5. REFER TO THE ORIGINAL RECORDED PLAT FOR FARM SPRINGS SUBDIVISION FOR SECTION TIES, BASIS OF BEARINGS, AND OTHER LOCATION AND SURVEY INFORMATION.

MIDWAY IRRIGATION

DATE _____

PROJECT

L18-278

RANDALL PROBST

SHEET

1 OF 1

FARM SPRINGS COMMON AREA
AMENDED

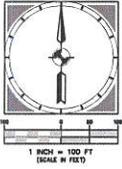


FARM SPRINGS SUBDIVISION
COMMON AREA 'D' AMENDED
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 3
SOUTH, RANGE 4 EAST, SLEMAN
MIDWAY CITY, WASATCH COUNTY, UTAH

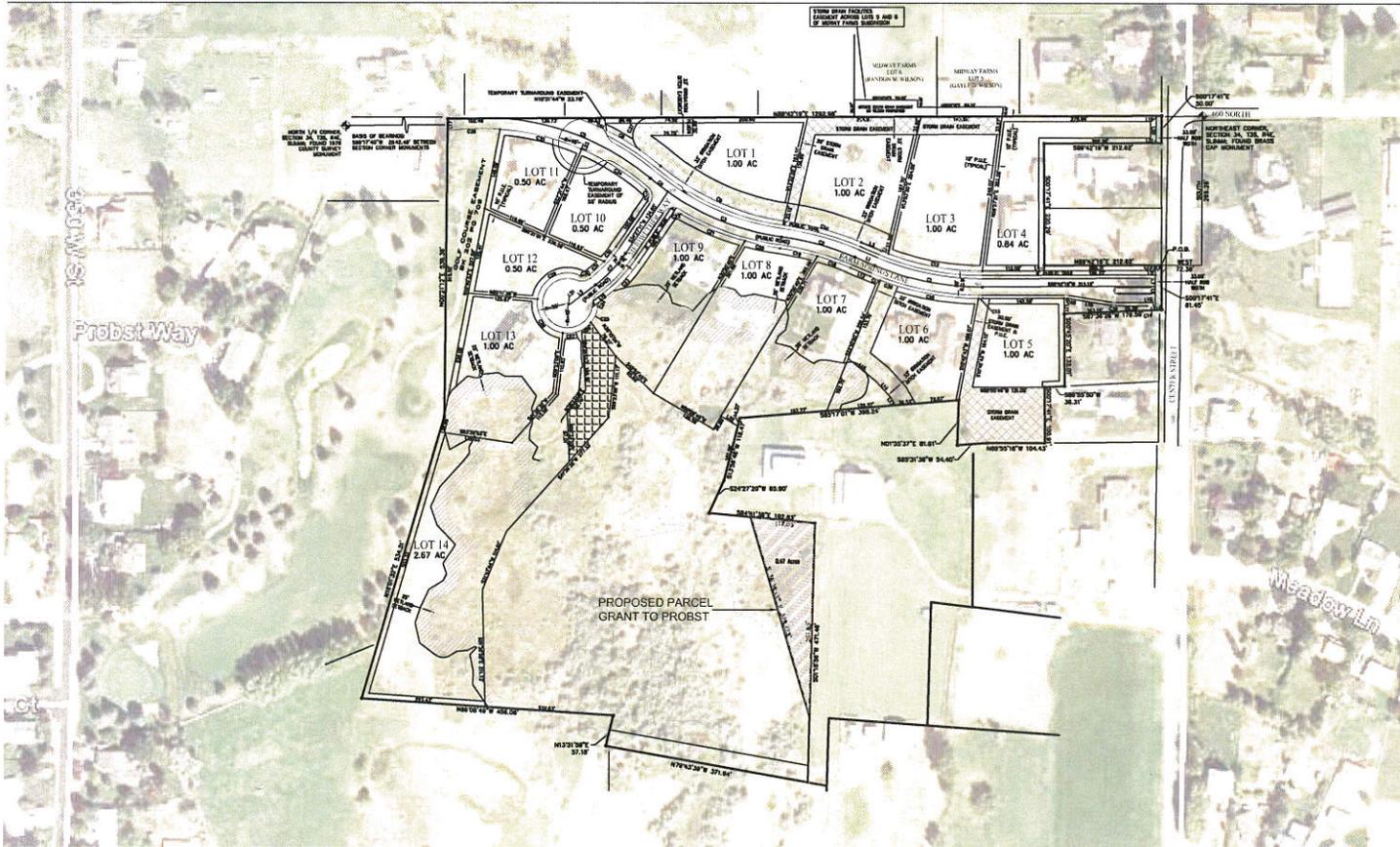
COUNTY SURVEYOR APPROVAL

RECORD OF SURVEY # _____

WASATCH COUNTY SURVEYOR _____ DATE _____



BOUNDARY LINE AGREEMENT EXHIBIT



LEGEND
PROPOSED PARCEL SIZE 0.47 ACRES

PROJECT L18-278	PREPARED FOR RANDALL PROBST
SHEET 1 OF 1	PROJECT MIDWAY PROPERTY

EXHIBIT

LOCATED IN THE NORTHEAST
CORNER OF SECTION 34,
TOWNSHIP 3 SOUTH, RANGE 4
EAST, SUBDIVISION
WASATCH COUNTY, UTAH

DRAWN BY:
SCS
REVIEWED BY:
MPJ
SCALE:
1" = 100'
ISSUE DATE:
4/11/2019

Summit Engineering Group Inc.
Structural • Civil • Surveying
36 WEST CENTER • P.O. BOX 194
MOUNTAIN VIEW, UTAH
P. 435-933-8888 F. 435-933-8883

UNLESS OTHERWISE SPECIFIED, ALL DIMENSIONS SHALL BE IN FEET AND INCHES. DIMENSIONS SHALL BE GIVEN TO THE CENTERLINE OF THE PROPERTY LINE UNLESS OTHERWISE SPECIFIED. THIS PLAN IS THE PROPERTY OF SUMMIT ENGINEERING GROUP, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF SUMMIT ENGINEERING GROUP, INC.