

Midway City Council  
2 March 2021  
Regular Meeting

Salazar Spring Subdivision /  
Preliminary and Final Approval



**Midway**

**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** March 2, 2021  
**NAME OF PROJECT:** Salazar Spring Subdivision  
**NAME OF APPLICANT:** Summit Engineering Group  
**OWNER OF RECORD:** Robert & Julie Salazar  
**AGENDA ITEM:** Preliminary/Final Approval  
**LOCATION OF ITEM:** 583 East Salazar Spring Road  
**ZONING DESIGNATION:** RA-1-43

**ITEM: 10**

Mike Johnston, agent for Robert and Julie Salazar, is requesting preliminary/final approval of a three-lot small-scale subdivision on 2.73 acres to be known as Salazar Springs Subdivision. The property is located at 583 East Salazar Spring Road and is in the RA-1-43 zone.

**BACKGROUND:**

This request is for preliminary/final approval of a small-scale subdivision on 2.73 acres that will contain three lots. The lots proposed in the subdivision will obtain frontage along River Road and Salazar Spring Road (600 North). The property is in the RA-1-43 zoning district and the lots comply with the minimum requirements of frontage and width for the zone. The lots do not comply with the acreage requirements for the RA-1-43 zone

but do comply with the requirements of the Whitaker Annexation Agreement (please see attached). As part of the Whitaker Annexation Agreement, the City agreed to allow the Salazars to create three lots on their property in exchange for the property needed to create the 600 North roundabout. The Salazars property was reduced in size because of this and the City agreed to allowing the Salazars three lots, which is what they would, most likely, would have been able to create without the dedication of the 600 North roundabout property. There were conditions to the agreement that included limiting access to 600 North and the lots could be no less 0.8 of an acre. The proposed plans appear to comply with the requirements except a driveway is shown on the plans from River Road to lot 3.

The area of the proposed subdivision has been in agriculture production. There is also an agricultural structure on lot 3 that the applicant would like to remain on the property even though it is nonconforming to the current setback requirements from River Road. They feel the structure matches the vision of the General plan because it helps create a rural atmosphere. Note 6 on the proposed plat states the following “The existing barn on lot 3 is historic and is permitted to remain in its current location as long as it is repaired and maintained in a safe and aesthetic condition.” There is also a Midway Irrigation Company ditch that runs through the property. The ditch will be realigned with this proposal and an easement will be recorded for the new location.

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

- 2.73 acres
- RA-1-43 zoning
- Proposal contains three lots
- Frontage River Road and Salazar Spring Road
  - Access limited to Salazar Spring Road
- The lots will connect to the Midway City’s culinary water line, Midway Sanitation District’s sewer line, and Midway Irrigation Company’s secondary water line.

#### **ANALYSIS:**

*Water Connection* – The future dwellings will be connected to the City’s water line located along Salazar Spring Road.

*Sewer Connection* – The future dwelling will connect to Midway Sanitation District’s sewer line under Salazar Spring Road.

*Secondary Water Connection* – The lot will connect to Midway Irrigation Company’s secondary water line which services property in the area.

*Setbacks* – A 50’ setback from River Road and Salazar Spring Road is required for any structures built in the proposal. The required setback will be noted on the plat.

*Sensitive lands* – Wetlands have been identified in the property in a small portion of the northwest corner of lot 3. Wetlands require a 25’ buffer which will be noted on the plat. The buffer area limits disturbance in the 25’ buffer area.

*Driveway access* –The City’s Capitol Facilities Plan does not allow new driveways on streets classified as collectors, as River Road is classified. The annexation agreement states there will only be access to the three lots from 600 North and specifically restricts access from River Road. To match the terms of the annexation agreement, the access to lot 3 must be removed from the proposed plans.

*Midway Irrigation Company ditch* - There is a Midway Irrigation Company ditch runs through the property. The ditch will be located to follow the edges of the lots and an easement will be recorded for the new location of the ditch.

**PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner McKeon: I make a motion that we recommend to approve the preliminary/final application of a three-lot small-scale subdivision on 2.73 acres to be known as Salazar Springs Subdivision. The property is located at 583 East Salazar Spring Road and is in the RA-1-43 zone. We will accept the findings from staff and the proposed conditions.

**Seconded:** Commissioner Garland

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

**Chairman Nicholas:** All in favor.

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

**Nays:** None

**Motion:** Passed

**WATER BOARD RECOMMENDATION:**

The Water Board recommended that 8.94 acre feet of water is tendered to the City for required culinary and secondary water for the lots.

**POSSIBLE FINDINGS:**

- The proposed lots meet the minimum frontage and width requirements for the RA-1-43 zoning district
- The proposed lots meet the minimum acreage requirements as stated in the Whitaker Annexation Agreement
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district

**ALTERNATIVE ACTIONS:**

1. Approval (conditional). This action can be taken if the City Council finds that conditions placed on the approval can resolve any outstanding issues.
  - 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 that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**RECOMMENDED CONDITION:**

1. Lot 3 River Road access is removed from the proposed plans to comply with the language in the Whitaker Annexation Agreement

February 9, 2021

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

**Subject: Salazar Spring Subdivision – Preliminary / Final Approval**

Dear Michael:

Horrocks Engineers recently reviewed the Salazar Spring subdivision plans for Preliminary/Final approval. The proposed subdivision is located at approximately Salazar Spring Road (600 North) and River Road. The proposed subdivision consists of 3 lots. The following comments should be addressed prior to City Council approval.

**Water**

- The proposed development will be served from the Gerber Mahogany Springs pressure zone.
- The proposed lots will connect to the existing 8" water line within Salazar Spring Road.

**Roads**

- The proposed lot will not construct any new roads, lots 1 and 2 will front Salazar Spring road. Lot 3 can front either River Road or Salazar Spring Road.
- A second access for lot 3 will be allowed as long as it is a secondary access to the property.

**Storm Drain**

- The storm drain analysis was done as part of the Whitaker Farms subdivision.

**Trails**

- The required trails were installed with the Whitaker Farms subdivision.

**Irrigation**

- The proposed lot will connect to the existing pressurized line within Salazar Spring Road.
- A 20' easement will be needed for the existing ditch running through each of the lots.

Please feel free to call our office with any questions.

Sincerely,  
HORROCKS ENGINEERS

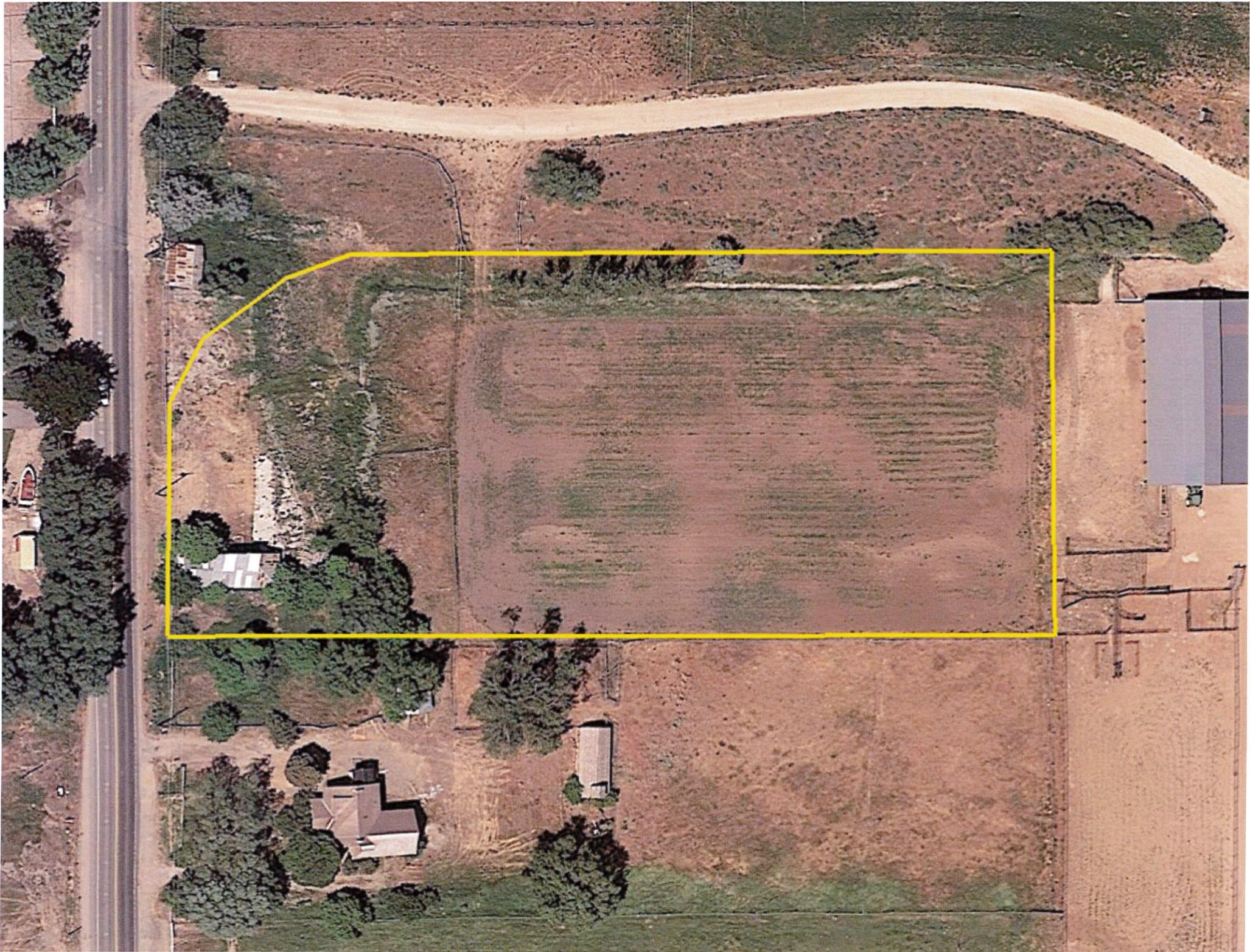


Wesley Johnson, P.E.  
Midway City Engineer

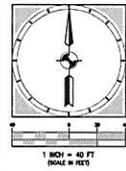
cc: Mike Johnston Summit Engineering







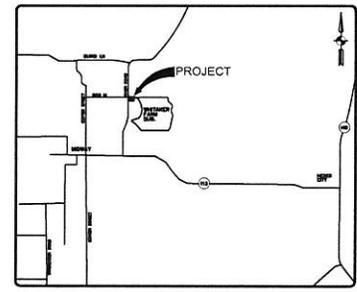
# SALAZAR SPRING SUBDIVISION



NORTH 1/4 CORNER OF SECTION 26,  
T32S, R4E, S20&M  
(1995 WASATCH COUNTY MON.)

BASIS OF BEARINGS (REF. MON. TO MON.)  
N 102°05'57" W 5322.82'

- SALAZAR SPRING PLAT NOTES:**
- RIGHT TO FARM NOTICE: THE PURCHASERS OF LOTS IN THIS SUBDIVISION ARE HEREBY NOTIFIED THAT THEY ARE PURCHASING PROPERTY ADJACENT TO OR NEARBY TO FARMLAND AND AGREE TO PROTECT THE RIGHT TO FARM OF THESE PROPERTY OWNERS. PURCHASERS ARE ADVISED THAT FARM HOUSES BECOM EMBLEMS AND RUN LATE AND THAT FARM OPERATIONS AND ANIMALS CREATE NOISE AND ODORS WHICH MAY BE OBSTACLES TO SOME PURCHASERS. EVEN THOUGH FARMERS MAY NOT DIRECTLY WATER YOUR PROPERTIES, YOU MAY EXPERIENCE GROUND WATER SEEPAGES AND/OR SPRINKLER OVER SPRAYS FROM THEIR IRRIGATION. DOMESTIC DRINKING, GRASS CLIPPING, OR ANY OTHER MATERIALS ONTO THE PROPERTY OF ANOTHER WITHOUT PERMISSION IS AN ILLEGAL TRESPASS.
  - BUILDING SETBACKS ARE AS SHOWN HEREON AND ALSO PER CITY CODE. SETBACKS FROM THE WETLAND ON LOT 3 ARE 25 FT FOR ALL BUILDINGS.
  - THERE IS A SHADY WEDGE IRRIGATION EJECTOR ASSESSMENT GRANTED ACROSS ALL THREE LOTS, CENTERED ON THE EXISTING IRRIGATION WATER DITCHES. THIS EASEMENT IS GRANTED TO MIDWAY IRRIGATION COMPANY FOR THE USE, MAINTENANCE, AND REPAIR OF SAID EXISTING DITCHES.
  - ALL ROADS ADJOINING THIS SUBDIVISION ARE PUBLIC AND MAINTAINED BY MIDWAY CITY. MIDWAY CITY WILL PROVIDE CULINARY WATER, SANITARY SEWER, AND STORM WATER UTILITY SERVICES. NATURAL GAS SERVICE WILL BE PROVIDED BY DOMINION ENERGY. POWER WILL BE PROVIDED BY HEWER LIGHT AND POWER.
  - DRIVEWAY ACCESS FOR LOT 3 SHALL BE AS SHOWN ON THIS PLAT.
  - THE EXISTING BARN ON LOT 3 IS HISTORIC AND IS PERMITTED TO REMAIN IN ITS CURRENT LOCATION AS LONG AS IT IS REPAIRED AND MAINTAINED IN A SAFE AND AESTHETIC CONDITION.

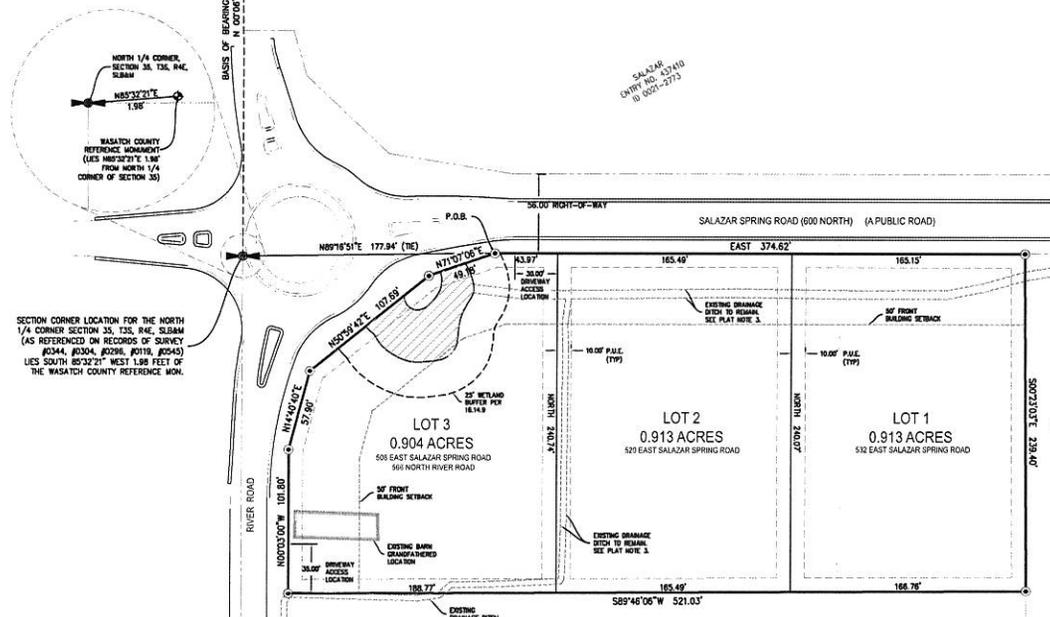


VICINITY MAP  
N.T.S.

- LEGEND**
- SOLID LINE: SECTION LINES
  - DASHED LINE: ADJACENT PROPERTY LINES
  - DOTTED LINE: PUBLIC UTILITY EASEMENT LINES
  - LONG DASHED LINE: BUILDING SETBACK LINES
  - CIRCLE WITH CENTER: EXTERIOR SUBDIVISION CORNER SET 5/8" REBAR AND CAP MARKED "SUMMIT ENGINEERS 433-854-8228"
  - CIRCLE WITH PERIMETER: EXTERIOR SUBDIVISION CORNERS WITH NO MARKINGS SET
  - HATCHED AREA: DELINEATED WETLAND AREA - NON BUILDABLE AREA

**PUBLIC UTILITY EASEMENTS:**  
ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO PUBLIC UTILITY EASEMENTS ALONG ALL PROPERTY LINES AS FOLLOWS:  
FRONT: 10 FEET  
REAR: 10 FEET  
SIDE: 10 FEET

**PROPERTY CORNER NOTES**  
1. 5/8" REBAR AND PLASTIC CAP STAMPED "SUMMIT ENG 433-854-8228" TO BE SET AT SUBDIVISION CORNERS, FRONT AND REAR LOT CORNERS.



SECTION CORNER LOCATION FOR THE NORTH 1/4 CORNER SECTION 33, T32S, R4E, S20&M (AS REFERENCED ON RECORDS OF SURVEY #2044, #2044, #2046, #2046, #2048, #2048) LIES SOUTH 85°32'21" WEST 1.98 FEET OF THE WASATCH COUNTY REFERENCE MON.

SALAZAR  
ENTRY NO. 437470  
ID 9001-2773

REVIEWED  
ENTRY NO. 437498  
ID 9001-2776  
R05 # 2021

MORADAWAH  
ENTRY NO. 436623  
ID 9001-2762

**SURVEYOR'S CERTIFICATE**

I, KEVIN M. BALLS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 11207308 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE COURTS, THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW.

DATE \_\_\_\_\_ SURVEYOR'S SEAL \_\_\_\_\_

KEVIN M. BALLS  
PROFESSIONAL LAND SURVEYOR

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**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT ON THE SOUTHERN RIGHT-OF-WAY LINE OF WETTERMAN FARM WAY, SAID POINT BEING NORTH 89°20'57" EAST 1725.91 FEET FROM THE NORTH QUARTER CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (SAGD QUARTER CORNER BEING SOUTH 89°20'57" WEST 1.98 FEET FROM A WASATCH COUNTY REFERENCE MONUMENT FOR SAID CORNER, BARS OF BEARING BEING NORTH 89°20'57" WEST FROM SAID REFERENCE MONUMENT TO THE 1995 WASATCH COUNTY MONUMENT FOR THE NORTH QUARTER CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE EAST 374.62 FEET ALONG SOUTHERN RIGHT-OF-WAY OF WETTERMAN FARM WAY ROAD, THENCE SOUTH 89°20'57" EAST 236.40 FEET ALONG AN EXISTING FORCE LINE, THENCE SOUTH 89°20'57" WEST 324.80 FEET ALONG AN EXISTING FORCE LINE AND FORCE LINE EXTENDING THENCE ALONG THE RIGHT-OF-WAY LINE OF WETTERMAN FARM WAY ROAD THE FOLLOWING FOUR COURSES: (1) NORTH 09°20'57" WEST 107.80 FEET; (2) NORTH 14°00'40" EAST 87.80 FEET; (3) NORTH 50°20' 47" EAST 107.80 FEET; (4) NORTH 71°00'47" EAST 48.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.730 ACRES

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS PLAT IS NORTH 89°20'57" WEST 3324.80 FEET FROM THE MONUMENT REFERENCING THE NORTH 1/4 CORNER OF SECTION 26 TO THE 1995 WASATCH COUNTY MONUMENT AT THE NORTH 1/4 CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN IN CONFORMANCE WITH UTAH STATE PLANS COMPASS & SYSTEM 1983 CENTRAL ZONE BEARINGS.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THIS PLAT TO BE CREATED AND GRANT TO MIDWAY CITY THE PUBLIC UTILITY EASEMENTS AS SHOWN HEREON, AND HEREBY GIVE CONSENT TO RECORD THIS PLAT.

ROBERT EARL SMITH SALAZAR, TRUSTEE OF THE SALAZAR FAMILY TRUST (11/18/2018) \_\_\_\_\_ DATE \_\_\_\_\_

JULIE MAUREEN SALAZAR, TRUSTEE OF THE SALAZAR FAMILY TRUST (11/18/2018) \_\_\_\_\_ DATE \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ON THIS DAY OF \_\_\_\_\_, I, \_\_\_\_\_, PERSONALLY APPEARED BEFORE ME, ROBERT EARL SMITH SALAZAR & JULIE MAUREEN SALAZAR, TRUSTEES, WHO SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD, AND WE HEREBY ACKNOWLEDGED TO ME THAT HE 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 SUBJECT TO THE CONDITIONS AND RESTRICTIONS STATED HEREON, THIS DAY OF \_\_\_\_\_.

MAYOR \_\_\_\_\_

CLERK-RECORDER \_\_\_\_\_

**PLANNING APPROVAL**

APPROVED THIS DAY OF \_\_\_\_\_, BY THE PLANNING DIRECTOR OF MIDWAY, UTAH.

PLANNING DIRECTOR \_\_\_\_\_

**WASATCH COUNTY SURVEYOR APPROVAL**

APPROVED AS TO FORM, RECORD OF SURVEY # \_\_\_\_\_

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

**WASATCH COUNTY RECORDER**

ENTRY # \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

FILE: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_ FOR: \_\_\_\_\_

BY \_\_\_\_\_ WASATCH COUNTY RECORDER PEGGY FOY SULLER.

PROJECT L20-002	DRAWN BY: KMB	PREPARED FOR ROBERT & JULIE SALAZAR
SHEET 1 OF 1	ISSUE DATE: 01/27/2021	PROJECT SALAZAR PROPERTY DEVELOPMENT

**SALAZAR SPRING SUBDIVISION**

LOCATED IN THE NORTHEAST 1/4 OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S20&M,  
MIDWAY CITY, WASATCH COUNTY, UTAH

**MIDWAY CITY ATTORNEY**

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

**MIDWAY SANITATION DISTRICT**

DATE \_\_\_\_\_

**MIDWAY ENGINEER APPROVAL**

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**MIDWAY IRRIGATION CO.**

DATE \_\_\_\_\_

**WASATCH COUNTY RECORDER**

ENTRY # \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

FILE: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_ FOR: \_\_\_\_\_

BY \_\_\_\_\_ WASATCH COUNTY RECORDER PEGGY FOY SULLER.

**AMENDMENT TO ANNEXATION AGREEMENT FOR THE  
WHITAKER FARM ANNEXATION  
MIDWAY CITY, UTAH**

An Annexation Agreement (“Agreement”) was entered into on December 20, 2017 by and between Midway City, a political subdivision of the State of Utah, (hereinafter referred to as the “City”), and the following: Thomas Whitaker and Linda Whitaker, individually; Midway Meadows Ranch, LLC, a Utah Limited Liability Company; and Thomas S. and Linda P. Whitaker, trustees of The Thomas and Linda Whitaker Trust, dated the 25<sup>th</sup> day of March, 1999 (hereinafter collectively referred to as the Applicant”), and the Salazar Family Trust, established on November 18, 2016 (“Salazar”).

In accordance with paragraph 9(D) of the Agreement, the parties do hereby mutually agree to amend the Agreement as follows:

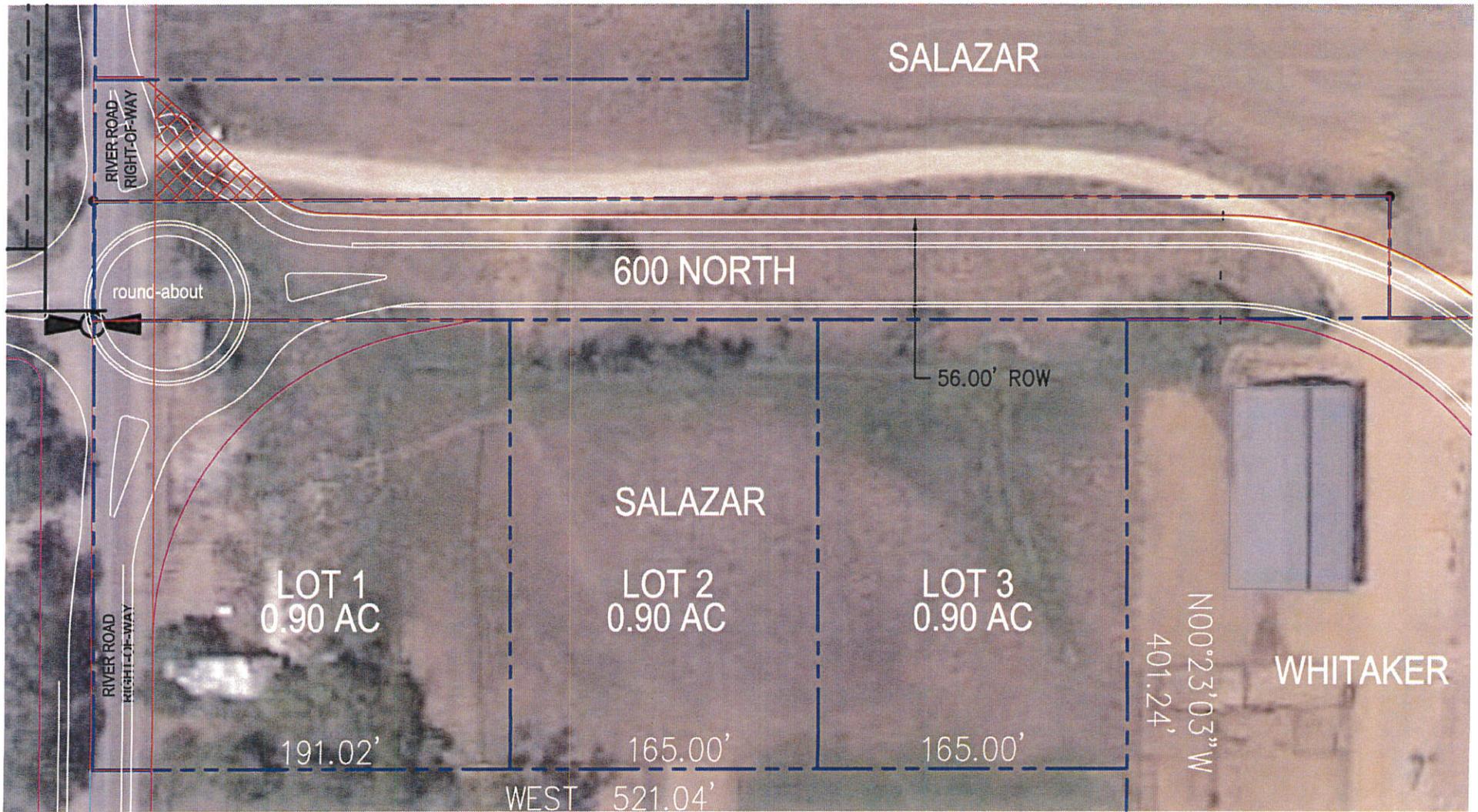
1. Paragraph 8(B)(1)(i) is hereby amended to read as follows:

Additional Conditions:

- 1) Access: As a condition of this Annexation Agreement, Applicant shall be required to improve River Road and construct other roads and trails at the time of development as follows:
  - i. Applicant/Developer, at its sole cost and expense, shall improve River Road as follows:
    - a. saw cut from the white lines of the existing roadway and add to each side 6 feet of asphalt, with one foot dedicated as a rumble strip separating vehicles from the bicycle lane, and the remaining 5 feet dedicated as a bicycle/walking trail;
    - b. The bicycle lanes shall meet the following requirements;
      - i. The bicycle lanes shall be designed and constructed according to plans approved by the City Engineer;
      - ii. The bicycle lanes shall be constructed entirely within the existing River Road easement. Midway City shall work with the developer to insure that the necessary improvements to River Road fit within that existing easement;
      - iii. The bicycle lanes shall continue from 200 feet north of the roundabout at the intersection of River Road and 600 North, and shall continue southerly along River Road to 200 feet south of the Memorial Hill roundabout. Once completed the City shall have full obligation to maintain the bicycle lanes.

- ii. 600 North Roundabout:
  1. Applicant shall install, at its sole cost and expense, a roundabout on the northern end of the project as set forth in the plans attached as Exhibit B to this Amendment.
  2. Applicant at its sole cost and expense shall reasonably landscape the roundabout, and provide water and a water system for the same. It is expressly agreed that Applicant shall have no duty to install memorials, statues, flags, or structures of any kind within the roundabout. Upon completion and acceptance by Midway City, Midway City shall assume all on-going maintenance of the roundabout.
  3. As part of the roundabout the parties agree as follows:
    - a. Whitaker and Salazar will execute quit claim deeds to trade property in order to enable the roundabout:
      - i. Whitaker Quit Claim. Applicant shall provide a quit claim deed to Salazar for approximately 10,000 square feet comprised of approximately 10 feet along the northern boundary of the 600 North parcel and at the northwest corner of lot 1 as shown in Exhibit C.
      - ii. Salazar Quit Claim. Salazar shall provide a quit claim deed to Midway City approximately 10,000 square feet comprised of sections along River Road and at the eastern end of the 600 North parcel as shown in Exhibit C.
      - iii. Deed of Property to City for Roads. Applicant shall deed property to Midway City to enable the creation of the roundabout and Northern Access road when Midway City has given Final Plat Approval to the Whitaker Farm Development.

- iv. If final plat approval is not obtained by the Applicant and/or assigns Whitaker and Salazar agree to re-deed the property exchanged between them back to its original owner.
- b. In exchange for the land dedication from Salazar, Midway City agrees that Salazar shall be entitled to 3 buildable lots on its property in the location and size as set forth generally as Exhibit D to this Amendment.
- c. Salazar shall have the obligation to apply for a formal subdivision at the time they want to develop.
- d. Subdivision approval shall be given independent of lot size or any future city codes requiring minimum lot sizes in the 1-acre zone, however, no lot within the subdivision shall be smaller than 0.80 acres. No open space will be required within the subdivision, due to its size.
- e. All access for the Salazar subdivision shall be from 600 North and not River Road, and access to the most westerly lot shall be as far away from the roundabout as possible.
- f. In exchange for the land dedication from Salazar, Applicant shall install, at its own cost and expense, a road along the southern edge of the Salazar property (600 North) connecting to the roundabout, containing utilities necessary for development (sewer, water, electric, and gas) of the three Salazar lots and to stub utilities to the property lines of the three proposed lots in locations set forth in Exhibit D of this Amendment.
- g. Applicant shall provide drawings of the proposed lots and utility locations that Salazars can use at the time of their application for subdivision.



Ent 467418 Bk 1262 Pg 1753

EXHIBIT D