

# APPENZELL PUD MASTER PLAN AMENDMENT

RESOLUTION 2022-15

## BACKGROUND:

David Tew is proposing an amendment to the Appenzell Development agreement, adjusting the boundary of the development, allowing them to sale a portion of what is currently both common area and open space, to an adjacent property owner. The homeowner's association (HOA) has represented the purpose for selling the property is to help finance improvements to the common area of the development. The request is that the development boundary is reduced by approximately 0.57 acres, allowing the HOA to sell the excess parcel, located along Center Street, to an adjacent property owner. The applicants have not indicated what the adjacent property owner intends on doing with the property.

# DEVELOPMENT AGREEMENT :

The City entered into a development agreement with Newport Reset, LLC (Regal Homes) when the Appenzell PUD was originally developed in 2016. This agreement applies to its successors and has provisions outlining when an amendment to the development agreement can occur. In section 5, it states:

**“Unless otherwise stated in this Agreement, the Parties may amend this Agreement from time to time, in whole or in part, by mutual written consent. No amendment or modification to this Agreement shall require the consent or approval of any person or entity having any interest in and specific lot, unit or other portion of the Project.”**

# LAND USE SUMMARY

- 23.54-acres (existing)
- R-1-22 zoning
- Development contains 39 building pads of which 14 are located in phase I and 25 pads are located in phase II
- Project is a Planned Unit Development
- Roads are private and maintained by the HOA
- Common area owned by all the property owners in the Appenzell
- The lots are connected to the Midway Sanitation District sewer and to the City's water line.
- 8' paved public trail has been constructed along Center Street and 6' paved private trails have been constructed in the development with a public access easement





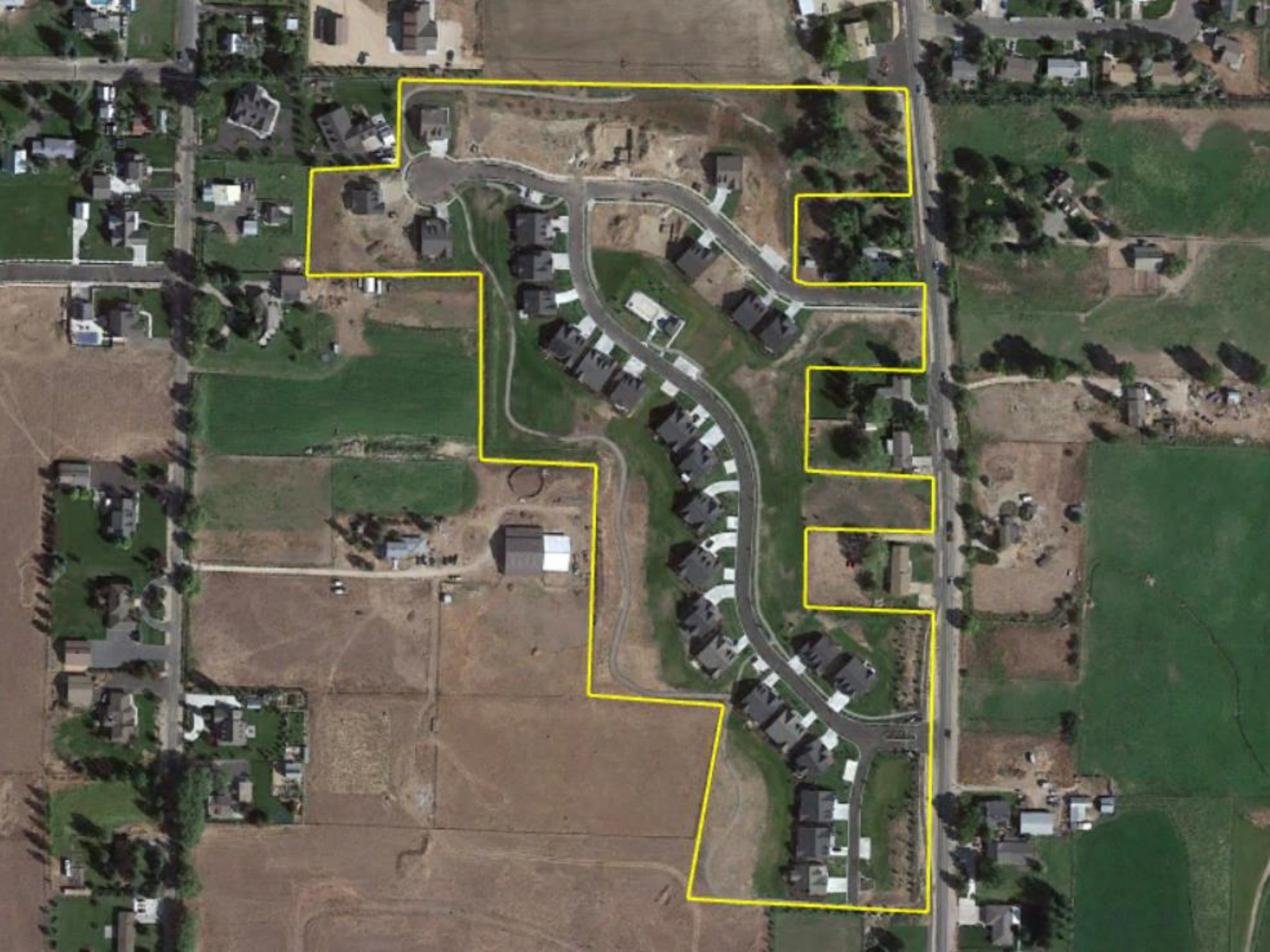
Midway

Provo River











450 SOUTH

500 SOUTH

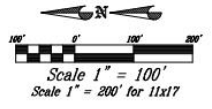
850 SOUTH

CENTER STREET

PROPOSED SIGN  
PROPOSED BERM



PROPOSED BERM

PROPOSED BERM



CONCEPT PLANT SCHEDULE

- 
**STREET TREES**  
 Fraxinus americana / Autumn Purple / Autumn Purple Ash  
 Fraxinus pennsylvanica / Green Ash  
 Gladiolus inaequalis Skyline / Skyline Honeylocust  
 Pylus californicus / Chantrelle / Chantrelle Pear  
 Tilia cordata / Littleleaf Linden
- 
**ACCENT TREES**  
 Malus x Radiant / Radiant Crab Apple  
 Populus deltoides / Southern / Eastern Cottonwood Sycamore  
 Populus tremuloides / Quaking Aspen  
 Prunus virginiana / Canada Red / Canada Red Chokecherry  
 Quercus macrocarpa / Bun Oak  
 Sorbus aucuparia / Michred™ / Cardinal Royal Mountain Ash
- 
**EVERGREEN TREES**  
 Picea pungens glauca Bakeri / Blue Spruce  
 Picea pungens glauca / Hoopst / Hoopst Blue Spruce  
 Pseudotsuga menziesii / Blue Bird / Blue Bird Douglas Fir

GROUND COVERS	QTY	COMMON NAME / BOTANICAL NAME	CONT
	204,398 sf	Kentucky Bluegrass / Poa pratensis	sod
	196,605 sf	Wild Flower Mix / Wild Flower Mix	Hydroseed

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS BOUND AND SEALED.

PAUL D. BERG P.E.  
 SERIAL NO. 200385  
 DATE: 18 APR 2016

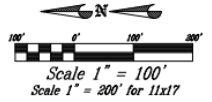
REGAL HOMES  
 APPEZZELL P.U.D.  
 PHASE 1  
 LANDSCAPE PLAN




**ENGINEERING**

RESOURCE GROUP P.C.  
 380 E Main St, Suite 204,  
 Midway, UT 84049  
 ph (435) 657-9749



DESIGN BY: POB DATE: 18 APR 2016 SHEET  
 DRAWN BY: CNB REV: 15





- PLANT SCHEDULE**
-  **STREET TREES** 36
    - Fraxinus americana* 'Autumn Purple' / Autumn Purple Ash
    - Fraxinus pennsylvanica* / Green Ash
    - Gleditsia triacanthos* 'Skyline' / Skyline Honeylocust
    - Fynus californiana* 'Chanticleer' / Chanticleer Pear
    - Tilia cordata* / Littleleaf Linden
  -  **ACCENT TREES** 10
    - Malus x 'Radiant'* / Radiant Crab Apple
    - Populus deltoides* 'Siouxland' / Eastern Cottonwood Siouxland
    - Populus tremuloides* / Quaking Aspen
    - Prunus virginiana* 'Canada Red' / Canada Red Chokecherry
    - Quercus macrocarpa* / Burr Oak
    - Sorbus aucuparia* 'Michred'™ / Cardinal Royal Mountain Ash
  -  **EVERGREEN TREES** 4
    - Picea pungens glauca* 'Baker' / Blue Spruce
    - Picea pungens glauca* 'Hoopsii' / Hoopsii Blue Spruce
    - Pseudotsuga menziesii* 'Blue Bird' / Blue Bird Douglas Fir

**PLANT SCHEDULE**

GROUND COVERS	QTY	COMMON NAME / BOTANICAL NAME	CONT
	178,831 sf	Kentucky Bluegrass / <i>Poa pratensis</i>	sod
	126,762 sf	Wild Flower Mix / Wild Flower Mix	Hydroseed

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.  
 CARL N. BERG, L.A.  
 SERIAL NO. 7162780  
 DATE: 21 JUN 2017

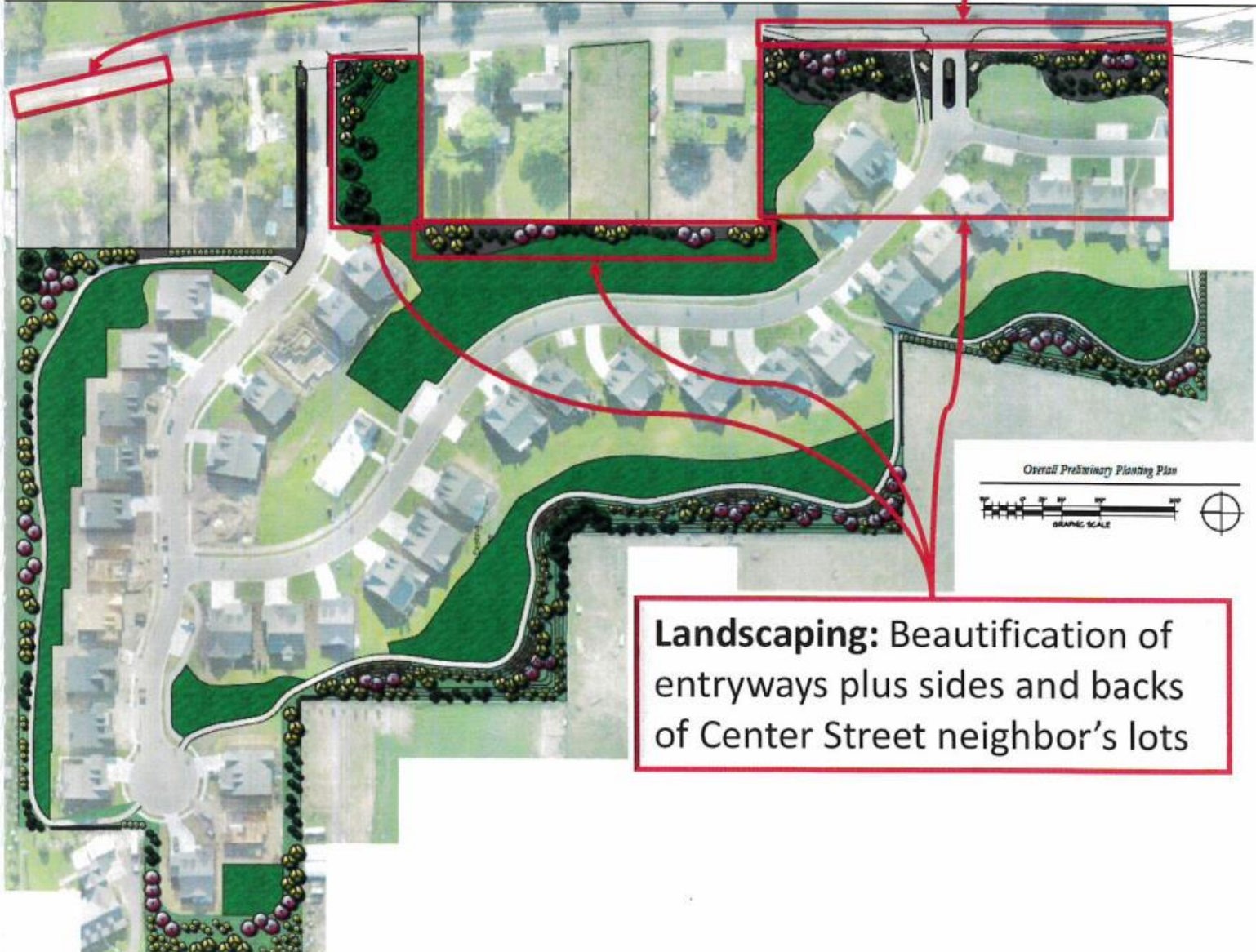
REGAL HOMES  
 APPENZELL P.U.D.  
 PHASE 2  
 LANDSCAPE PLAN



380 E Main St, Suite 204  
 Midway, UT 84049 ph: (801) 723-2000

DESIGN BY: CNB DATE: 21 JUN 2017 SHEET  
 DRAWN BY: CNB REV: 17

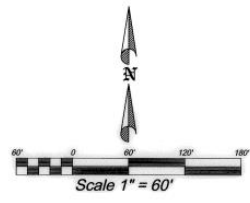
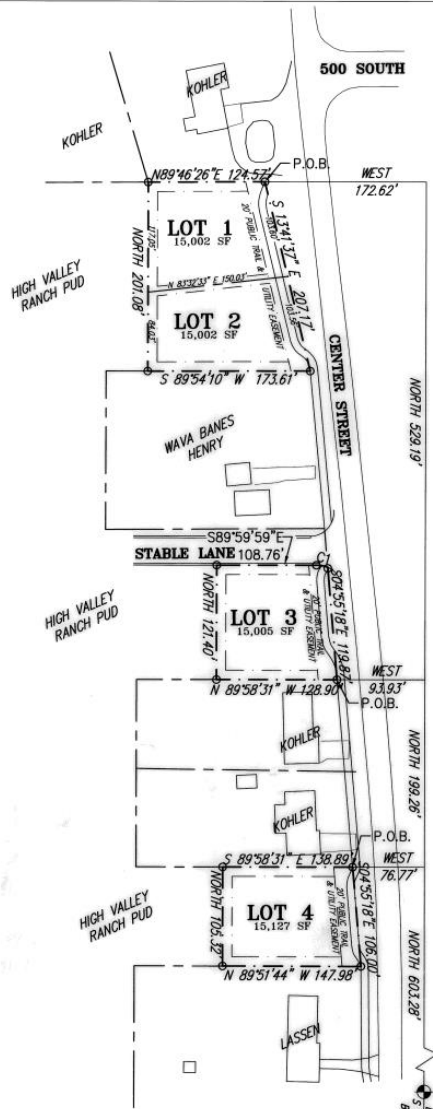
**Landscaping: Xeriscaping of UDOT parcels**



**Landscaping: Beautification of entryways plus sides and backs of Center Street neighbor's lots**







**LOT 3 DRIVEWAY NOTE:**  
 DRIVEWAY ACCESS FOR LOT 3 SHALL BE OFF OF STABLE LANE. NO DRIVEWAY ACCESS ONTO CENTER STREET (STATE ROAD 113) WILL BE ALLOWED.

EAST 1/4 CORNER, SEC. 3, T4S, R4E, S1B4M; FOUND 2000 MONUMENT

SOUTHEAST CORNER SECTION 3, T4S, R4E, S1B4M; FOUND 1996 MONUMENT

ADDRESS TABLE	
LOT	ADDRESS
1	552 SOUTH CENTER STREET
2	558 SOUTH CENTER STREET
3	610 SOUTH CENTER STREET
4	646 SOUTH CENTER STREET

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	10.87	20.07	231.24°	10.06	S 87.92° 17' W

**SURVEYOR'S CERTIFICATE**  
 I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, 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, BLOCKS, STREET AND EASEMENTS.

DATE: 1-19-07 SURVEYOR: [Signature] (SEE SEAL BELOW)

**BOUNDARY DESCRIPTION FOR LOTS 1 & 2**  
 BEGINNING NORTH 1331.73 FEET AND WEST 172.62 FEET FROM THE 2000 WASATCH COUNTY SURVEY MONUMENT FOR THE EAST ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (FROM SAID EAST ONE-QUARTER CORNER THE 1996 WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS SOUTH 00°04'50" EAST 2664.56');  
 AND RUNNING THENCE SOUTH 13°41'37" EAST 207.17 FEET; THENCE SOUTH 89°54'10" WEST 173.61 FEET; THENCE NORTH 201.08 FEET; THENCE NORTH 89°46'26" EAST 124.57 FEET TO THE POINT OF BEGINNING.  
 CONTAINING: 0.69 ACRES

**BASIS OF BEARINGS:**  
 THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 00°04'50" EAST BETWEEN THE 2000 WASATCH COUNTY SURVEY MONUMENT LOCATED AT THE EAST ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND THE 1996 WASATCH COUNTY SURVEY MONUMENT LOCATED AT THE SOUTHEAST CORNER OF SAID SECTION 3, IN CONFORMANCE WITH THE BASIS OF BEARINGS OF THAT CERTAIN CONTROL NETWORK SURVEY PERFORMED BY ENGINEERING PLANNING GROUP, INC., FOR MIDWAY CITY IN 1998, WHICH WAS ESTABLISHED AT THAT TIME AS SOUTH 66°04'53" EAST BETWEEN THE FIRST-ORDER BRASS CAP CONTROL POINT LOCATED ON MEMORIAL HILL AND THE WASATCH COUNTY SURVEY MONUMENT LOCATED AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. TO OBTAIN UTAH COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS, ROTATE THE BEARINGS ON THIS MAP IN THE COUNTERCLOCKWISE DIRECTION 00°01'29".

**BOUNDARY DESCRIPTION FOR LOT 3**  
 BEGINNING NORTH 802.34 FEET AND WEST 93.93 FEET FROM THE 2000 WASATCH COUNTY SURVEY MONUMENT FOR THE EAST ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (FROM SAID EAST ONE-QUARTER CORNER THE 1996 WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS SOUTH 00°04'50" EAST 2664.56');  
 AND RUNNING THENCE NORTH 89°58'31" WEST 128.90 FEET; THENCE NORTH 121.40 FEET; THENCE SOUTH 89°26'59" EAST 108.76 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT AND CONVERSE CURVE WITH A RADIUS OF 250.00 FEET AND FROM WHICH A RADIAL LINE BEARS SOUTH 00°00'01" WEST; THENCE EASTERLY 10.13 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 232°45" (CHORD BEARS SOUTH 78°23'37" EAST 10.68 FEET); THENCE SOUTH 04°50'18" EAST 119.87 FEET TO THE POINT OF BEGINNING.  
 CONTAINING: 0.34 ACRES

**BOUNDARY DESCRIPTION FOR LOT 4**  
 BEGINNING NORTH 603.28 FEET AND WEST 76.77 FEET FROM THE 2000 WASATCH COUNTY SURVEY MONUMENT FOR THE EAST ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (FROM SAID EAST ONE-QUARTER CORNER THE 1996 WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS SOUTH 00°04'50" EAST 2664.56');  
 AND RUNNING THENCE SOUTH 281°04'35" EAST 106.00 FEET; THENCE NORTH 89°51'44" WEST 147.88 FEET; THENCE NORTH 105.32 FEET; THENCE SOUTH 89°58'31" EAST 138.89 FEET TO THE POINT OF BEGINNING.  
 CONTAINING: 0.35 ACRES

**OWNER'S DEDICATION**  
 KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND EASEMENTS, AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECLARATION HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS 22<sup>ND</sup> DAY OF January, A.D. 2007  
 BY: Wava Banes Henry (Signature)  
 DIX SANDERS - MANAGER

**ACKNOWLEDGMENT**  
 STATE OF UTAH } SS.  
 COUNTY OF WASATCH }  
 ON THE 22<sup>ND</sup> DAY OF January, A.D. 2007 PERSONALLY APPEARED BEFORE ME, Notary Public, [Signature] who duly acknowledged to me that he/she did execute the same in the capacity indicated.  
 MY COMMISSION EXPIRES 10-04-10 [Signature] NOTARY PUBLIC

**ACCEPTANCE BY MIDWAY CITY**  
 THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.

THIS 27<sup>TH</sup> DAY OF December, A.D. 2006

APPROVED: [Signature] MAYOR ATTEST: [Signature] CLERK-RECORDER (SEE SEAL BELOW)  
 APPROVED: [Signature] CITY ATTORNEY APPROVED: [Signature] CITY ATTORNEY

**PLANNING COMMISSION APPROVAL**  
 APPROVED THIS 6<sup>TH</sup> DAY OF December, A.D. 2006 BY THE  
 [Signature] CHAIRMAN, PLANNING COMMISSION  
 [Signature] DIRECTOR - SECRETARY

**HIGH VALLEY RANCH SUBDIVISION PLAT**  
 LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 3, T4S, R4E, S1B4M  
 MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH  
 SCALE: 1" = 60. FEET

COUNTY RECORDER  
 ENTRY # 304338 DATE 02-06-07 TIME 4:21 PM.  
 FEE \$9.00 BK 397 PG 140-160 FOR HIGH VALLEY RANCH  
 BY 716 WASATCH COUNTY RECORDER ELSA CECILIA PALMISTO

[Signature] DATE 1-19-07  
 WASATCH COUNTY SURVEYOR  
 [Signature] DATE 1/19/07  
 MIDWAY SANITATION DISTRICT  
 [Signature] DATE 2/6/07  
 MIDWAY IRRIGATION COMPANY

SURVEYOR'S SEAL: [Seal of Bing Christensen, No. 145796, State of Utah]

NOTARY PUBLIC SEAL: [Seal of Dix Sanders, Notary Public, State of Utah]

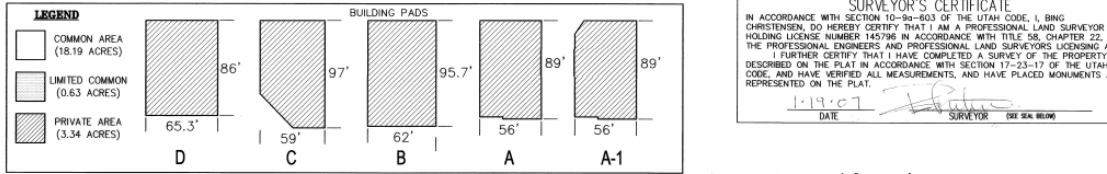
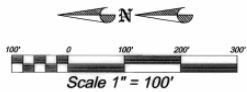
CITY PLANNING COMMISSION: [Seal of Midway City Planning Commission]

CITY RECORDER SEAL: [Seal of Midway City Recorder]

HIGH VALLEY RANCH SUBDIVISION PLAT - 15 NOVEMBER 2006

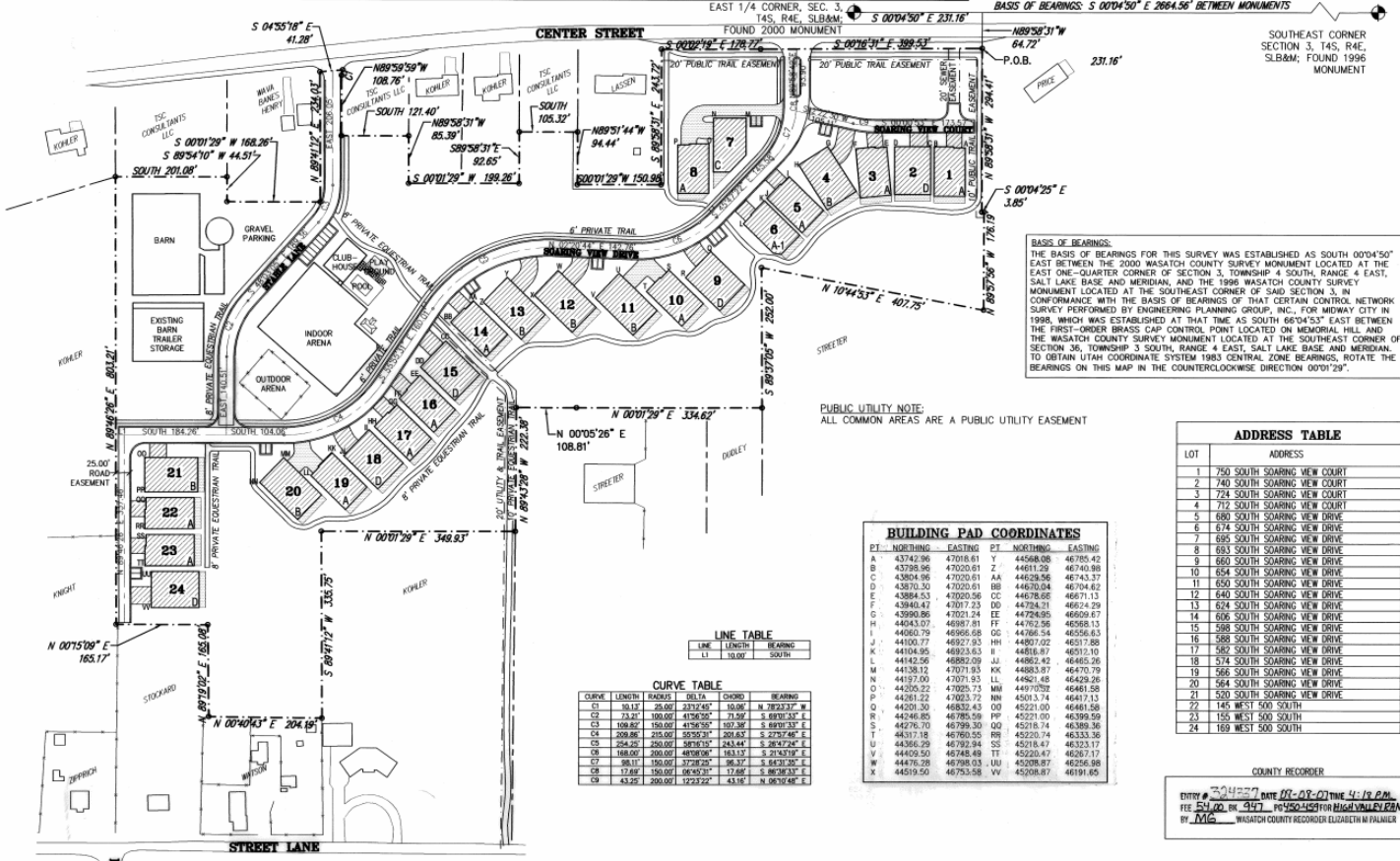
SURVEYOR  
 BING CHRISTENSEN, RLS  
 P.O. BOX 176  
 HEBER CITY, UTAH 84032  
 PHONE: (435) 654-9229  
 DATE OF SURVEY: AUG 2006





**SURVEYOR'S CERTIFICATE**  
 IN ACCORDANCE WITH SECTION 10-99-603 OF THE UTAH CODE, I, BRING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 1451796 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAN IN ACCORDANCE WITH SECTIONS 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAN.  
 DATE: 11/14/07 SURVEYOR: BRING CHRISTENSEN

**BOUNDARY DESCRIPTION**  
 BEGINNING SOUTH 00°04'50" EAST 231.16 FEET ALONG THE SECTION LINE AND NORTH 89°58'31" WEST 64.72 FEET FROM THE 2000 WASATCH COUNTY SURVEY MONUMENT FOR THE EAST ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (FROM SAID EAST ONE-QUARTER CORNER THE 1996 WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS SOUTH 00°04'50" EAST 2664.56')  
 AND RUNNING THENCE NORTH 89°58'31" WEST 294.41 FEET; THENCE SOUTH 00°04'25" EAST 3.85 FEET; THENCE NORTH 89°57'56" WEST 176.19 FEET; THENCE NORTH 10°44'53" EAST 407.75 FEET; THENCE SOUTH 89°37'05" WEST 252.00 FEET; THENCE NORTH 00°07'29" EAST 334.62 FEET; THENCE NORTH 00°05'26" EAST 108.81 FEET; THENCE NORTH 89°43'28" WEST 222.38 FEET; THENCE NORTH 00°01'29" EAST 349.83 FEET; THENCE SOUTH 89°41'12" WEST 335.75 FEET; THENCE NORTH 00°40'43" EAST 204.19 FEET; THENCE NORTH 89°19'02" EAST 165.08 FEET; THENCE NORTH 00°15'09" EAST 165.17 FEET; THENCE NORTH 89°46'26" EAST 803.21 FEET; THENCE SOUTH 201.08 FEET; THENCE SOUTH 89°54'10" WEST 44.51 FEET; THENCE SOUTH 00°17'29" WEST 168.26 FEET; THENCE NORTH 89°41'12" EAST 234.03 FEET; THENCE SOUTH 04°50'18" EAST 41.28 FEET TO THE BEGINNING OF A NON TANGENT CURVE TO THE LEFT AND CONCAVE SOUTHERLY WITH A RADIUS OF 25.00 FEET AND FROM WHICH A RADIAL LINE BEARS SOUTH 231°24'52" WEST; THENCE WESTERLY 10.13 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 231°24'52" (CHORD BEARS NORTH 78°23'37" WEST 10.06 FEET); THENCE NORTH 89°58'23" WEST 108.76 FEET; THENCE SOUTH 121.42 FEET; THENCE NORTH 89°58'31" WEST 85.39 FEET; THENCE SOUTH 00°17'29" WEST 199.26 FEET; THENCE SOUTH 89°58'31" EAST 92.65 FEET; THENCE SOUTH 105.32 FEET; THENCE NORTH 89°51'44" WEST 94.44 FEET; THENCE SOUTH 00°17'29" WEST 150.39 FEET; THENCE SOUTH 89°58'31" EAST 243.72 FEET; THENCE SOUTH 00°17'29" EAST 178.77 FEET; THENCE SOUTH 00°16'31" EAST 399.53 FEET TO THE POINT OF BEGINNING.  
 CONTAINING 22.16 ACRES.



**RESERVATION OF COMMON AREA**  
 THE OWNER, HAS DESIGNATED HEREIN CERTAIN COMMON AREAS INTENDED FOR THE USE BY THE OWNERS, THEIR GUESTS, AND INVITES, AND AREA HEREBY RESERVED FOR THEIR COMMON USE AND ENJOYMENT AS PROVIDED IN THE DECLARATION OF COVENANTS AND RESTRICTIONS OF LINKS AT THE HOMESTEAD, P.U.D., RECORDED AS ENTRY NO. \_\_\_\_\_ AS ENTRY NO. \_\_\_\_\_ IN BOOK \_\_\_\_\_ BEGINNING AT PAGE \_\_\_\_\_ ("DECLARATION")

**OWNER'S DEDICATION**  
 KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PRIVATE STREETS, PUBLIC TRAILS, EASEMENTS, LIMITED COMMON, AND COMMON AREA, AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECLARATION HEREBY DEDICATE THOSE AREAS LABELED AS PRIVATE STREETS, PUBLIC TRAILS, EASEMENTS, LIMITED COMMON, AND COMMON AREA, FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS 22<sup>nd</sup> DAY OF January, A.D. 2007  
 HVR SO MIDWAY LC  
 BY: Walter Richard (Dick) Sanderson  
 DICK SANDERS - MANAGER

**ACKNOWLEDGMENT**  
 STATE OF UTAH )  
 COUNTY OF WASATCH ) S.S.  
 ON THE 22<sup>nd</sup> DAY OF January, A.D. 2007, PERSONALLY APPEARED BEFORE ME, DICK SANDERS, WHO DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY INDICATED.  
 MY COMMISSION EXPIRES 10-04-10 Luigi Kefauver  
 NOTARY PUBLIC

**ACCEPTANCE BY MIDWAY CITY**  
 THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS PLANNED UNIT DEVELOPMENT AND ACCEPTS THE DEDICATION OF EASEMENTS AND PUBLIC RIGHTS-OFF-WAY HEREON SHOWN.  
 THIS 27<sup>th</sup> DAY OF December, A.D. 2006  
 APPROVED: Carrie Taylor MAYOR ATTEST: Beau Wilson (SEALED SEAL)  
 APPROVED: Kevin Powell CITY ATTORNEY ATTEST: Dwight Anderson CITY ENGINEER (SEALED SEAL)

**PLANNING COMMISSION APPROVAL**  
 APPROVED THIS 6<sup>th</sup> DAY OF December, A.D. 2006 BY THE  
 MIDWAY CITY PLANNING COMMISSION  
Richard M. Milnes CHAIRMAN, PLANNING COMMISSION  
Dirac - SECRETARY

**BUILDING PAD COORDINATES**

PT.	NORTHING	EASTING	PT.	NORTHING	EASTING
A	43742.96	47016.61	Y	44568.08	46785.42
B	43788.96	47020.61	Z	44611.29	46740.99
C	43861.96	47020.61	AA	44628.96	46743.37
D	43870.30	47020.61	BB	44670.04	46794.82
E	43884.53	47020.61	CC	44676.06	46671.13
F	43840.47	47077.23	DD	44724.31	46624.29
G	43890.86	47021.24	EE	44726.05	46660.67
H	44043.07	46987.81	FF	44762.96	46568.13
I	44060.79	46986.68	GG	44766.54	46556.63
J	44103.77	46927.53	HH	44807.02	46511.76
K	44104.95	46923.63	II	44816.97	46511.30
L	44125.98	46882.93	JJ	44863.42	46465.26
M	44138.12	46791.93	KK	44883.97	46470.79
N	44127.00	46791.93	LL	44861.48	46428.26
O	44209.22	47059.12	MM	44917.02	46461.58
P	44261.22	47023.72	NN	45013.74	46417.13
Q	44201.30	46832.43	OO	45221.72	46461.98
R	44462.85	46785.99	PP	45221.00	46399.59
S	44276.70	46799.30	QQ	45218.74	46389.36
T	44517.18	46790.55	RR	45220.74	46333.36
U	44366.29	46792.94	SS	45218.47	46323.17
V	44459.50	46748.69	TT	45220.47	46267.17
W	44476.28	46798.03	UU	45208.87	46256.98
X	44519.50	46753.58	VV	45208.87	46191.65

**LINE TABLE**

LINE	LENGTH	BEARING
1	181.00	SOUTH
2	181.00	SOUTH

**CURVE TABLE**

CR.	ANGLE	LENGTH	RADIUS	DELTA	CHORD	BEARING
1	181.00	181.00	181.00	181.00	181.00	SOUTH
2	181.00	181.00	181.00	181.00	181.00	SOUTH

**500 SOUTH ROAD EASEMENT NOTE**  
 THE HIGH VALLEY RANCH EQUESTRIAN PUD GRANTS A 25 FOOT EASEMENT TO MIDWAY CITY FOR FUTURE IMPROVEMENTS TO 500 SOUTH. SAID 500 SOUTH WILL REMAIN PRIVATE UNTIL 500 SOUTH IS COMPLETED BY MIDWAY CITY AND THE ROAD BECOMES A PUBLIC THROUGH ACCESS. SETBACKS FOR UNITS 21-24 WILL NOT BE AFFECTED IF 500 SOUTH BECOMES A PUBLIC ROAD. MIDWAY CITY WILL ABANDON SAID ROAD EASEMENT IF 500 SOUTH IS NOT CONSTRUCTED WITHIN 50 YEARS OR A THROUGH ACCESS BETWEEN 250 WEST AND CENTER STREET IS CONSTRUCTED BETWEEN 500 SOUTH TO 300 SOUTH.

DATE OF SURVEY: AUGUST 2006

**ACKNOWLEDGMENTS**  
 STATE OF UTAH )  
 COUNTY OF ) SS  
 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, I, \_\_\_\_\_, PERSONALLY APPEARED BEFORE ME, \_\_\_\_\_, WHO DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING PUBLIC INSTRUMENT OF MORTGAGE IN THE CAPACITY INDICATED.  
 \_\_\_\_\_ NOTARY PUBLIC

**CONSENT OF MORTGAGEE TO RECORD**  
 I HEREBY CONSENTS TO THE RECORDING OF THE HIGH VALLEY RANCH P.U.D., AND JOINS IN THE DECLARATION OF STREETS AND EASEMENTS AS SHOWN.  
 \_\_\_\_\_  
 \_\_\_\_\_

COUNTY RECORDER  
 DATED: 12/04/07 DATE FILED: 02/07 TIME: 11:15 P.M.  
 FEE: \$10.00 ON 3477 PG 250-145107 FOR HIGH VALLEY RANCH PUD  
 BY: MLC WASATCH COUNTY RECORDER ELIZABETH W. PALMER

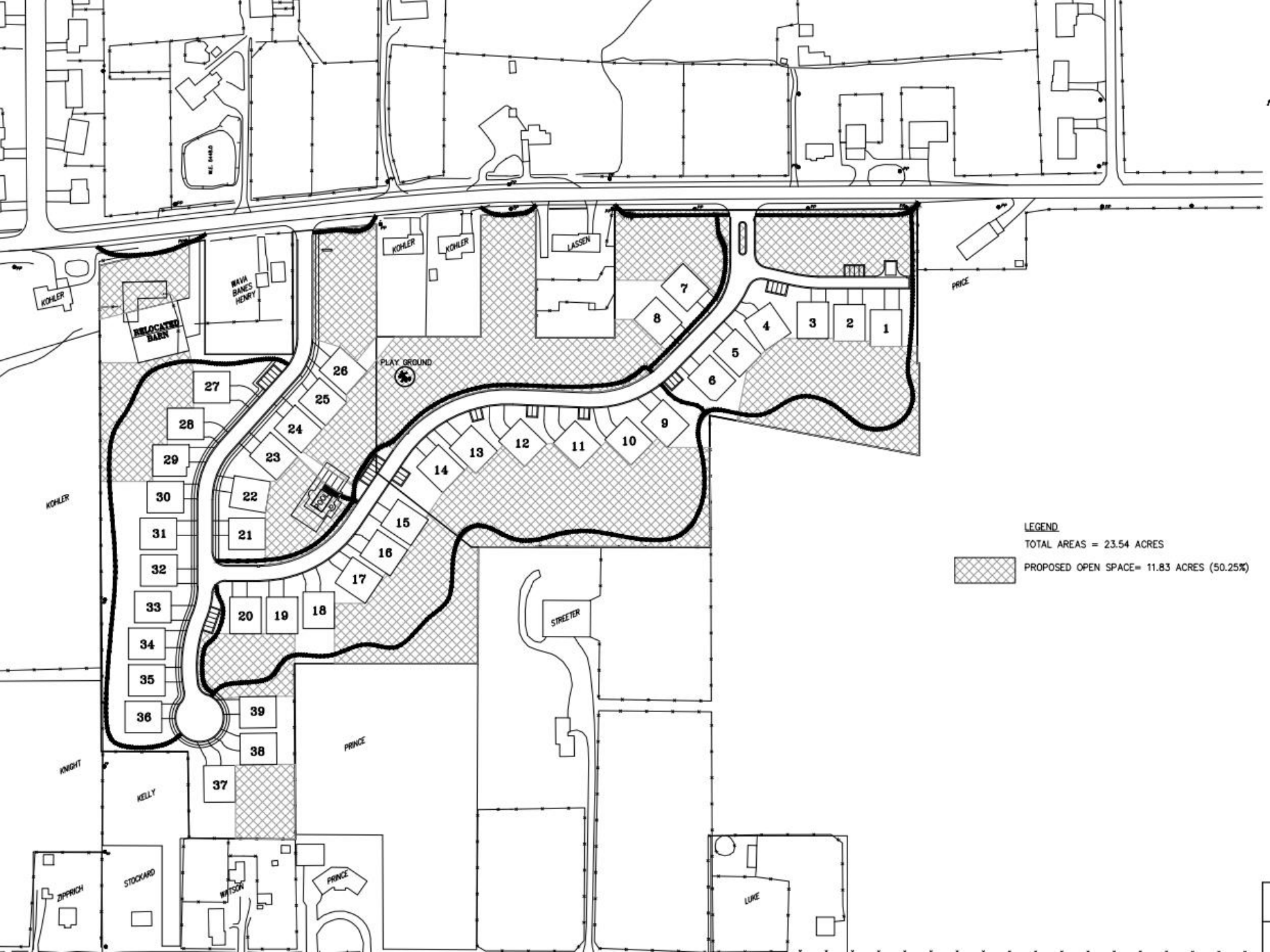
**SEALS:**  
 WASATCH COUNTY SURVIVOR: Bring Christensen DATE: 05/01/07  
 MIDWAY IRRIGATION COMPANY: Alan Caldwell DATE: 2/6/07  
 MIDWAY SANITATION DISTRICT: Alan Caldwell DATE: 2/6/07

**SEALS:**  
 NOTARY PUBLIC SEAL: Luigi Kefauver  
 CITY ENGINEER SEAL: Dwight Anderson  
 CITY PLANNING COMMISSION CHAIRMAN SEAL: Richard M. Milnes  
 CITY PLANNING COMMISSION SECRETARY SEAL: Dirac

**HIGH VALLEY RANCH EQUESTRIAN PUD**  
 PLANNED UNIT DEVELOPMENT, MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, LOCATED IN THE NORTHEAST AND SOUTHWEST ONE-QUARTERS OF SECTION 3, 14S, 8R6, SLBBM  
 SCALE: 1" = 100 FEET

SEALS:  
 WASATCH COUNTY SURVIVOR: Bring Christensen  
 MIDWAY IRRIGATION COMPANY: Alan Caldwell  
 MIDWAY SANITATION DISTRICT: Alan Caldwell

HIGH VALLEY RANCH EQUESTRIAN PUD PLAT - 13 NOVEMBER 2006



**LEGEND**

TOTAL AREAS = 23.54 ACRES



PROPOSED OPEN SPACE = 11.83 ACRES (50.25%)



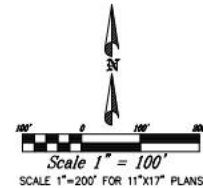
# APPENZELL DENSITY

- Current zoning
  - 23.54 acres
  - R-1-22 zone, PUDs allow 2 units per acre
  - Maximum density 47 units
- Current zoning less 0.57 acres
  - 22.97 acres
  - R-1-22 zone, PUDs allow 2 units per acre
  - Maximum density 45 units
- Proposed zoning less 0.57 acres
  - 22.97
  - R-1-22 zone, PUDs allow 1.6 units per acre (proposed)
  - Maximum density 36 units

OPEN SPACE CODE  
AMENDMENT OF 2018







**LEGEND**

- WETLANDS (10.00 AC)
- OPEN SPACE PERIPHERY - 40' MINIMUM  
INTERIOR - 100' MINIMUM
- ONSITE 27.38 AC (53.95%)
- OFFSITE 1.32 AC (2.60%)
- TOTAL 28.70 AC (56.55%) (50% REQUIRED)

**OPEN SPACE DEDICATION BY PHASE**

PHASE	AREA	OPEN SPACE PER PHASE	TOTAL PROJECT AREA	TOTAL PROJECT OPEN SPACE
1	15.96 AC	11.69 AC (73.20%)	15.96 AC	11.69 AC (73.20%)
2	12.94 AC	4.57 AC (35.32%)	28.90 AC	16.26 AC (56.26%)
3	21.84 AC	12.10 AC (55.45%)	50.87 AC	28.36 AC (55.75%)

ADDITIONAL OFFSITE OPEN SPACE DEDICATED WITH PHASE 1 1.32 AC 29.68 AC (58.34%)

**OPEN SPACE AREAS**

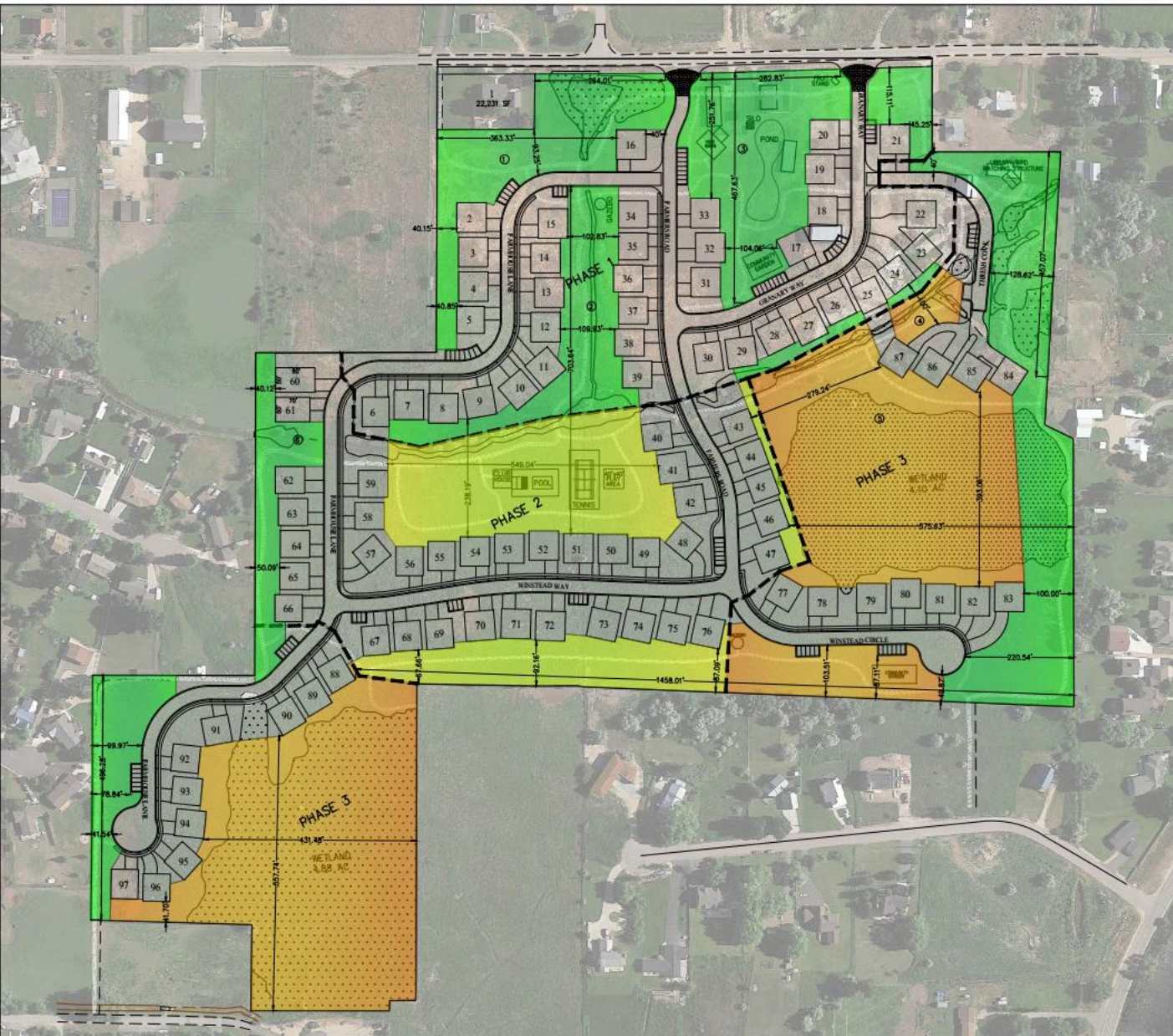
- ① 1.95 ACRES
- ② 4.45 ACRES
- ③ 2.25 ACRES
- ④ 0.36 ACRES
- ⑤ 18.47 ACRES
- ⑥ 0.88 ACRES

**OPEN SPACE NOTES:**

TOTAL AREA: 50.87 ACRES  
 PID AREA: 50.36 ACRES  
 TOTAL OPEN SPACE: 28.36 ACRES (55.95%) OF ENTIRE DEVELOPMENT

OPEN SPACE IN A SINGLE OPEN SPACE AREA  
 AREA 5 = 18.47 ACRES (65.13%)

SECTION 16.16.11.C REQUIRES ONE-HALF OF ALL OPEN SPACE TO BE RETAINED IN A SINGLE OPEN SPACE AREA. OPEN SPACE PARCEL 5 MEETS THIS PID REQUIREMENT.



WATTS ENTERPRISES  
 REMUND FARMS  
 OPEN SPACE  
 MASTER PLAN

**ENGINEERING**  
 RESOURCE GROUP, P.C.  
 380 E Main St. Suite 204  
 Midway, UT 84049  
 ph. (435) 657-9749

DESIGN BY: PDB DATE: 19 APRIL 2011 SHEET 5  
 DRAWN BY: CNB REV:

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.  
 PAUL D. BORG, P.E.  
 SERIAL NO. 202596  
 DATE: 19 APRIL 2011




## 4. Open Space Plan and Calculations

- **50% Open Space Requirement.** If Appenzell is allowed to avail itself of the *peripheral property line setback* exception provision\* through the Development Agreement and Master Plan amendments, we will be able to meet the 50% open space requirement without needing any of the open space from the Open Space area on Center Street we plan to vacate\*

\*Midway City Code, Section 16.16.11-B as amended Feb-Mar 2018)

- **Epic Engineering:** Open Space Plan and Calculations: after removal of vacated parcel and application of peripheral boundary exception provision



OPEN SPACE CALCULATIONS	
OPEN SPACE BEFORE REMOVAL OF LOTS A & B	11.83 ACRES
OPEN SPACE REMOVAL: LOT B	.57 ACRES
OPEN SPACE AFTER REMOVAL OF OPEN SPACE INCLUDED FROM LOT B	11.26 ACRES
OPEN SPACE ADDED FROM REMAINDER OF LOT A	.50 ACRES
OPEN SPACE ACREAGE ADDED UNDER EXCEPTION PROVISION	1.53 ACRES
TOTAL OPEN SPACE ACREAGE REMOVAL OF LOTS AND APPLICATION OF EXCEPTION PROVISION	13.29 ACRES
TOTAL ACREAGE	
BEFORE REMOVAL OF LOT B	23.54 ACRES
AFTER REMOVAL OF LOT B	22.97 ACRES
RATIO OF OPEN SPACE TO TOTAL ACREAGE AFTER REMOVAL OF LOTS AND EXCEPTION PROVISION	
TOTAL ACREAGE OF DEVELOPMENT AFTER REMOVAL OF LOT B	22.97 ACRES
TOTAL OPEN SPACE AFTER REMOVAL OF LOT AND EXCEPTION PROVISION	13.29 ACRES
OPEN SPACE / TOTAL ACREAGE X 100 (OPEN SPACE PERCENT)	57.86%
CURRENT OPEN SPACE PERCENT	50.25%

\* NOTE: THIS SCENARIO STILL MEETS THE REQUIREMENTS OF SECTION 16.16.8-2 OF THE MUNICIPAL CODE FOR A PUD SHALL BE TEN ACRES\*

**57.86%**



OPEN SPACE CALCULATIONS

OPEN SPACE BEFORE REMOVAL OF LOTS A & B	11.83 ACRES
OPEN SPACE REMOVAL: LOT B	.57 ACRES
OPEN SPACE AFTER REMOVAL OF OPEN SPACE INCLUDED FROM LOT B	11.26 ACRES
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TOTAL ACREAGE

BEFORE REMOVAL OF LOT B	23.54 ACRES
AFTER REMOVAL OF LOT B	22.97 ACRES

RATIO OF OPEN SPACE TO TOTAL ACREAGE AFTER REMOVAL OF LOTS AND EXCEPTION PROVISION

TOTAL ACREAGE OF DEVELOPMENT AFTER REMOVAL OF LOT B	22.97 ACRES
TOTAL OPEN SPACE AFTER REMOVAL OF LOT AND EXCEPTION PROVISION	13.29 ACRES
OPEN SPACE / TOTAL ACREAGE X 100 (OPEN SPACE PERCENT)	57.86 %
CURRENT OPEN SPACE PERCENT	30.25%

\* NOTE: THIS SCENARIO STILL MEETS THE REQUIREMENTS OF SECTION 16.16.8-2 OF THE MUNICIPAL CODE FOR A PUD SHALL BE TEN ACRES\*

**57.86%**



# ITEMS OF CONSIDERATION:

- Approval if this proposal creates a precedence for future developments that would also like to sell open space and remove the financial burden of maintenance while receiving money for selling the property.
- One of the main goals in the General Plan is to create open space, especially in entry corridors, the proposal does not seem to align with that goal.
- If open space is sold to a neighbor and encumbered with any restriction, enforcement may be difficult.

# ITEMS OF CONSIDERATION:

- Midway has already provided incentives in the form of density to the developer to create open space that is proposed to be sold.
- The HOA has other means to finance their desired improvements including a HOA special assessment that would require the members of the community to pay for the improvements.
- The City has a landscaping bond that covers all the landscaped areas of the development.

# POSSIBLE FINDINGS

- The amendment would allow the HOA to sell some open space to a neighbor
- Midway has no control of how the money would be spent
- Per the current development agreement, Midway is under no obligation to approve the adjustment
- If the amendment is approved, the HOA would need to amend the subdivision plat to vacate the 0.54 acres from the plat
- The City would have no control over the use of the property that would be sold which could possibly be built on (accessory structure) or it could possibly be developed as its own lot in the future



# PROPOSED CONDITIONS

1. If approved, the property should be connected to an adjoining parcel and remain undeveloped.
2. Require the vacated property to be restricted to no further development including subdividing and approval of building permits

# APPENZEL MASTER PLAN AMENDMENT



# LEGAL ANALYSIS

- TWO ITEMS RAISED IN THE LETTER:
- Specific arguments regarding the Master Plan Amendment (CONTRACT ISSUE) (currently before the City Council)
- Argument regarding an amendment to the PUD code (ZONING ISSUE) (that is on the agenda later in the meeting)
- The standards for the two are different and I will only address the arguments made regarding the Master Plan Amendment now and will respond to the arguments regarding the statute when that item comes before the Council.





## STANDARD FOR AMENDING MASTER PLAN AGREEMENT

- The HOA approaches this Master Plan Amendment through the lens of a land use application, and tries to support its arguments through land use code – which are inapplicable
- This is a contract question.
- The Master Plan Agreement was entered into between the City and the Developer as a condition of receiving approval to develop.
- The HOA is bound by the provisions of the contract.
- The Contract states: “Unless otherwise stated in this Agreement, the Parties may amend this Agreement from time to time, in whole or in part, by mutual written consent.”



## STANDARD FOR AMENDING MASTER PLAN AGREEMENT

- There is **NO OBLIGATION** on either side to amend the agreement
- The City has **FULL DISCRETION** to amend the agreement and may consider any information it deems relevant to making that decision
- The HOA suggests that the Planning Department's arguments regarding the intent of the recent amendments of the code, the import of open space to the City, the fact that the HOA has remedies against the developer, and the impact this decision could have on other developments in the City are inappropriate
- In this the HOA is mistaken. The City has no obligation to amend the Master Plan Agreement and can consider any information, policy consideration, information, or argument that it feels is relevant in making a decision



## STANDARD FOR AMENDING MASTER PLAN AGREEMENT

- The HOA suggests that the City must do studies to show the vacant lot in question is important open space in order to use this as an argument against amendment.
- Again, the Developer agreed to the master plan and the HOA is bound by that agreement – the City does not have to prove anything or do studies to justify amending or not amending the agreement.





## STANDARD IF LAND USE APPLICATION

- For what it is worth – the analysis under the land use code for amending plats is identical.
- Utah Code Ann. 10-9a-609 states that the City **MAY** amend a plat **IF** it finds good cause.
- There is no affirmative duty to make this finding
- There is no restriction on what the City may consider in determining whether there is good cause or not.
- So even if this were a land use application, the limitations suggested by the HOA are still inapplicable.

