

Midway City Council
15 February 2022
Regular Meeting

Resolution 2022-07 /
Watts Remund Farms
Master Plan Agreement
Second Amendment



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: February 15, 2022
NAME OF PROJECT: Watts Remund Farms Phase 4 PUD
NAME OF APPLICANT: Russ Watts – Watts Enterprises
AGENDA ITEM: Master Plan Amendment
LOCATION OF ITEM: 200 East 600 North
ZONING DESIGNATION: R-1-15

Berg Engineering, agent for Midway Springs LLC Series II is requesting a Master Plan Amendment for The Remund Farms Planned Unit Development. The proposal would revise some of the building pad sizes in Phase 4 to match the building pad sizes in Phases 1 – 3. Phase 4 is 4.14 acres in size and is located at 400 North Farm Hill Lane in the R-1-15 zone.

BACKGROUND:

***This phase, along with phase 5 was previously considered by the City Council on 9/7/21 but was continued until a few items could be addressed. Please see the attached approved minutes from the 9/7/21 CC meeting (Exhibit I). The motion included direction that the following items needed to be resolved before being reconsidered by the council:**

- **Unit 96 fixed by keeping the setback at 42 feet**
- **The water issues reviewed to determine if they should be dealt with now or later and how they would be monitored and prevented over time.**

Where the issues are specific to phase 5, the applicant has requested that the master plan amendment for phase 4 go back to the city council for consideration. Phase 5 will be back once the noted issues are resolved. *

Berg Engineering, agent for Midway Springs LLC Series II, is proposing a Master Plan amendment to the Remund Farms Planned Unit Development (PUD) phase 4 which would update the existing master plan for the phase. A previous master plan amendment was approved for the whole development on October 1, 2019. The applicant's proposed changes are to adjust the building footprints for five of the seven building pads in the phase, to allow for the construction of homes that are similar in size to those that are currently being built in the earlier phases. Some of the footprints would expand (depth and width), while some would be reduced.

According to the Watts Remund Farms PUD development agreement under Section 5, the agreement may only be amended by mutual consent. Therefore, the city has no obligation to allow the developer to change the approved master plan or master plan agreement.

- 4.14 acres
- R-1-15 zoning
- Phases 4 contains 7 building pads (PUD)
- Private roads maintained by the HOA
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.
- Sensitive lands on the property include wetlands, springs, stream corridors, high water table, and wildlife habitat

ANALYSIS:

Open Space – The code requires that each phase to have sufficient open space to comply with the requirements of the code. For example, phase I must have at least 50% open space for that particular phase. If phase I has 75% open space, then phase II only needs to have 25% open space if both phases are equal in acreage. Although the applicant is enlarging some footprints and decreasing others, the overall open space for the project decreases by approximately 5,227 SF, or 0.12 acres due to the proposed adjustments. The proposed adjustments will decrease the overall open space percentage from 54.24% to 54.07 %. The applicant has provided an amended open space plan and the proposed plan appears to comply with the 50% open space per phase requirement for the development.

Water – Water rights for each phase are required to be dedicated to the City before the recording of each plat. The Water Board reviews and recommends the amount of water rights that are required for each phase. Any adjustments made could impact the amount of water required.

Traffic circulation – The proposed master plan amendment does not appear to impact the road layout for the phase. The proposed plan continues to comply with traffic circulation requirements and cul-de-sac lengths that are allowed by the code.

Sensitive lands protection – The proposed amendment would allow some building footprints to encroach closer to the delineated wetlands. The land use code precludes surface grading within 25’ of wetlands unless approved by the City Engineer. In the current masterplan, there are a few building footprints that abut wetlands. In the proposed amended master plan, some units would encroach further into the 25’ wetland buffer, with some directly abutting the wetlands. No footprints encroach into the delineated wetlands. Wes Johnson, the city engineer, has indicated that he is ok with the proposed footprints with the understanding that the applicant will survey the boundaries of the wetlands and then install temporary construction fencing when the site improvements begin for both phases as well as when homes are constructed in both phases. Over excavating into the wetlands is not allowed.

Setbacks to neighboring properties – The proposed adjustments to the building pads create an overall enlargement of the pads. The current land use code for PUDs requires building setbacks from the peripheral boundary to be a minimum of 60’. This project is vested under a previous code requirement that allowed for a 30’ building setback from the peripheral boundary. In phase 4, it appears that the setbacks to the property boundaries to the east and south remain the same.

Trails – As part of the revised master plan, staff is recommending that a few trail improvements are included as conditions of approval.

- The first condition is that the applicant build and pave the trail that they previously installed from the corner of River Road and Swiss Paradise Lane to Rockwell Circle cul-de-sac sidewalk in Phase 4. The section of trail along Swiss Paradise Road would be a 6’ asphalt trail while the section of trail running over the easement on lot 3 in Swiss Paradise and connecting into the Rockwell Circle cul-de-sac would be a 10’ asphalt trail with 5’ compacted road base shoulders. The added width would create a firm surface for emergency access purposes as requested by Wasatch County Fire Department.
- The second condition would require the applicant to contribute the costs associated with paving an 8’ onsite trail to the general trail fund so that trail can be built with a future trail project. This small section will allow people to safely connect from the existing public trail in Remund Farms to the future trail that will run north along 200 East. The trail is onsite, and the easement was dedicated with the Phase 1 plat, but the trail has not been constructed and the funds to do so were not previously required.

PROPOSED FINDINGS:

- The proposed master plan appears to meet the requirements of the code
- The building pads for five of the seven units will change in size creating an overall increase in building square footage and reduction in open space
- The setbacks from the proposed building pads to the peripheral boundaries will remain the same
- One public trail will be paved and the funds for the construction of a second trail will be contributed to the general trails fund as part of the subdivision. Both trails will benefit members of the community
- Amending the master plan is discretionary and the city is under no obligation to approve the proposal even if it complies with the land use code
- Some of the proposed building pads will encroach closer to the delineated wetland

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Simons: I make a motion that we recommend approval for the Master Plan Amendment for The Remund Farms Planned Unit Development. The proposal would revise the building pad sizes in Phases 4 and 5 to match the building pad sizes in Phases 1 – 3. The subdivision is on 13.32 acres and is located at 400 North Farm Hill Lane and is in the R-1-15. We accept findings in the staff report and adding the conditions that are in the staff report, including the 3rd condition added to the staff report.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Whitney, Garland, Simons and Clifton

Nays: None

Motion: Passed

ALTERNATIVE ACTIONS:

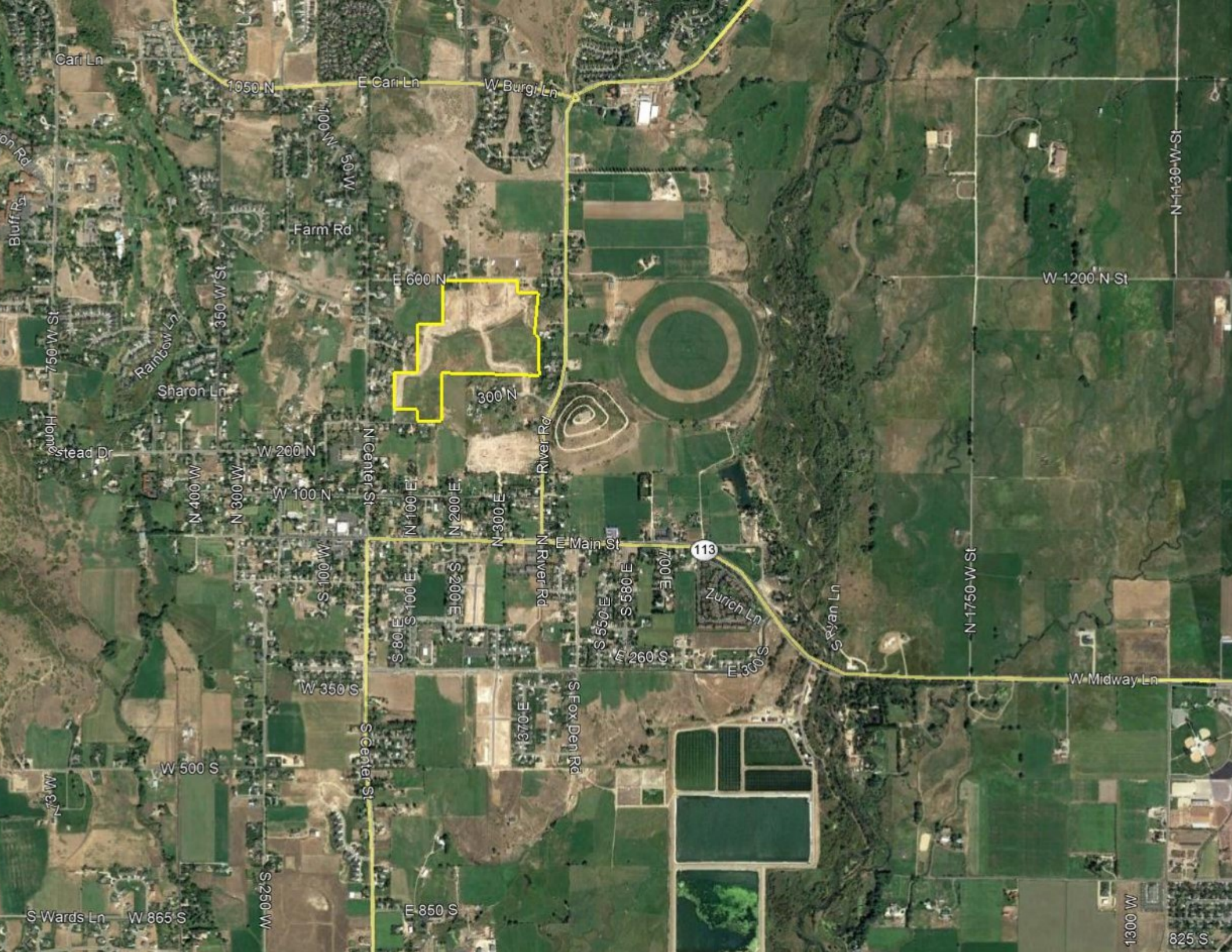
1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable addition to the City’s Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

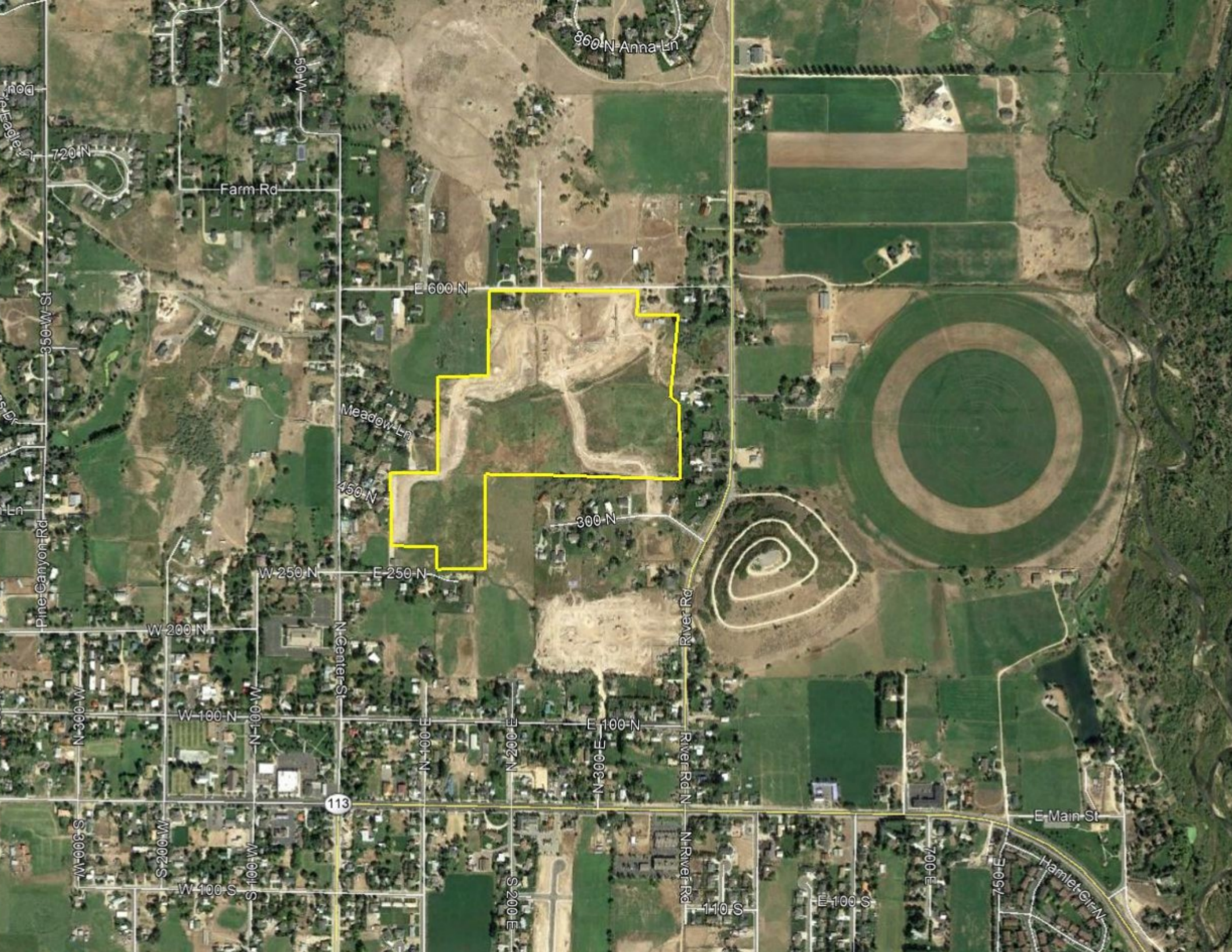
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

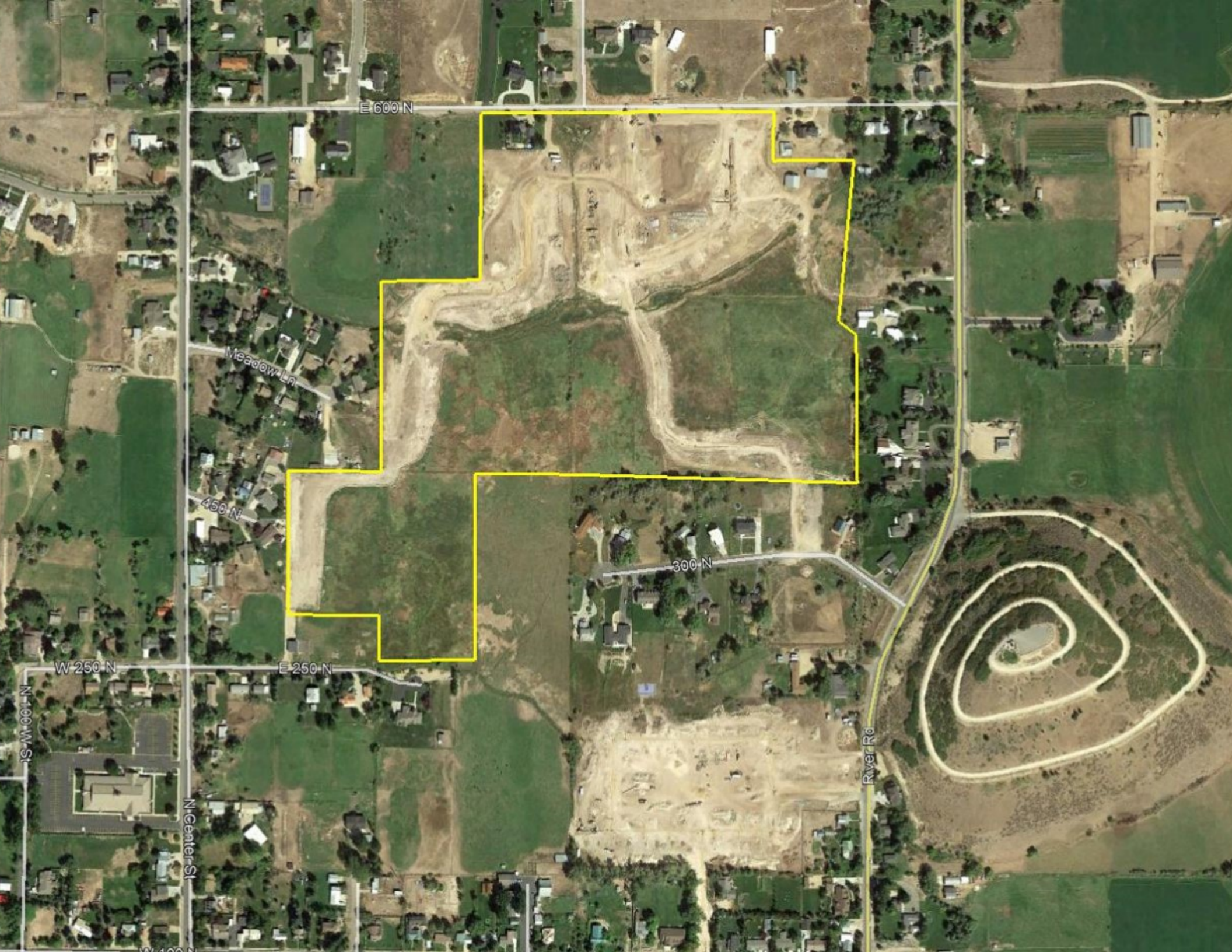
3. Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS:

1. The applicant will be required to improve the existing trail along Swiss Paradise Lane to be a 6' asphalt trail. They will also be required to improve the existing trail on Swiss Paradise lot 3 to be a 10' asphalt trail with 5' road base shoulders. This trail section should connect Swiss Paradise Lane to the Rockwell Circle cul-de-sac sidewalk in Phase 4. These trails should be noted as public and built according to Midway City trail standards (excluding the modified widths).
2. The applicant will be required to contribute the funds associated with installing the 8' asphalt trail from Farm Hill Lane to 200 East to the general trails fund. The funds will be used when the trail is completed in the future as part of a larger improvement project.
3. The applicant will be required to survey the boundary of the wetland and then install and maintain temporary construction fencing while site improvements are being installed and while homes are under construction.







Exhibits

Exhibit A - 2019 Master Plan

Exhibit B - Proposed Master Plan

Exhibit C - Phase 4 Master Plan Comparison

Exhibit D - 2019 Open Space Plan

Exhibit E - Proposed Open Space Plan

Exhibit F - Phase 4 Open Space Plan Comparison

Exhibit G - Swiss Paradise/300 North Trail

Exhibit H - 600 North Trail Easement – Phase 1 Plat

Exhibit I – September 7, 2021 City Council Minutes

Exhibit J - Public Comments (Regarding Ph.4 and Ph. 5)

Exhibit A

Existing 2019 Master Plan



PHASE 4

WATTS ENTERPRISES
REMUND FARMS

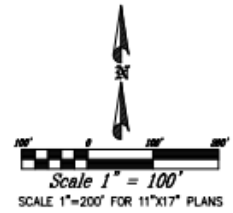
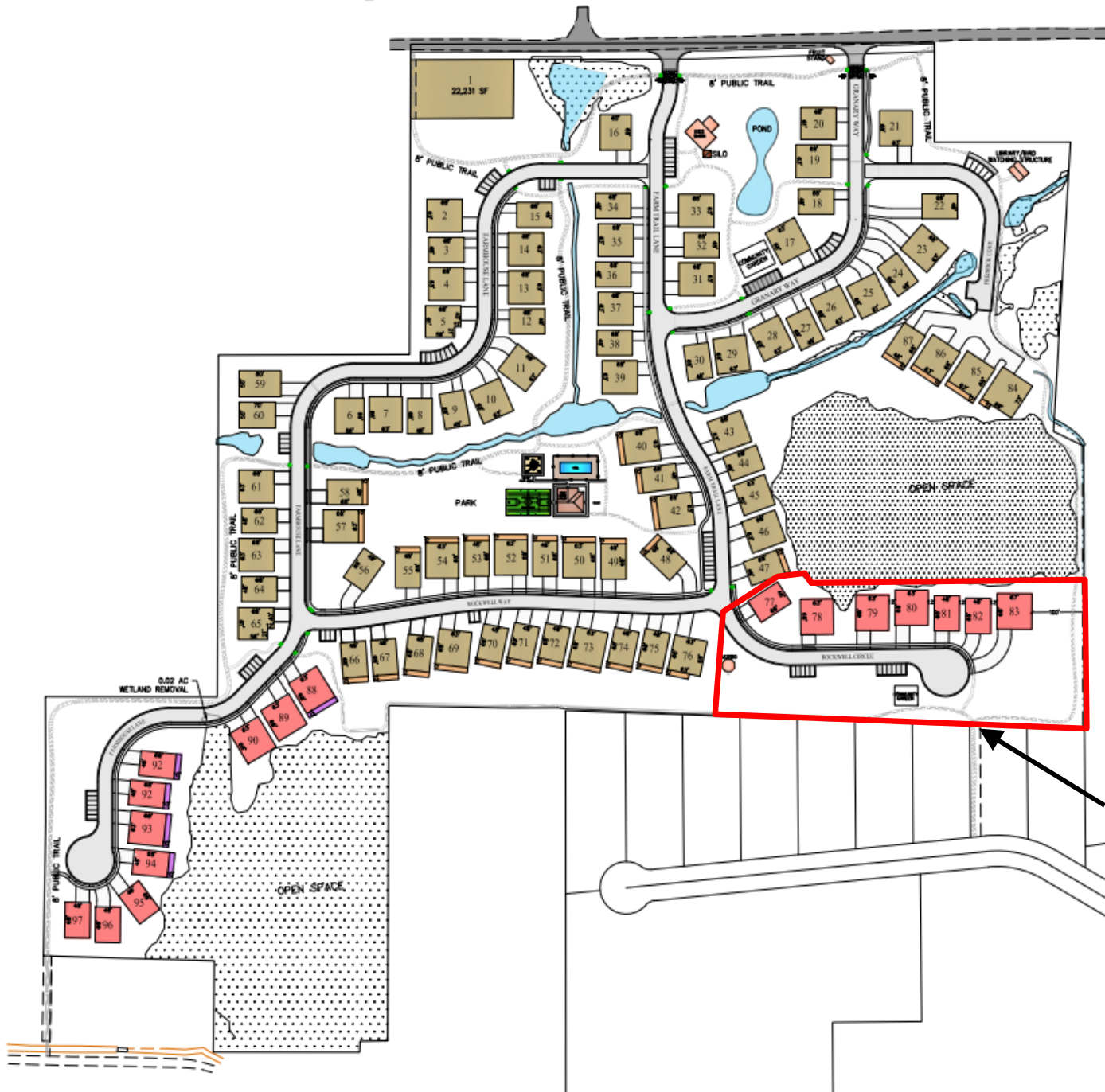
APPROVED MASTER PLAN

ENGINEERING
500 E Main St. Suite 204
Mickey, UT 84049
ph 435.657.9249

DESIGN BY: PDB DATE: 29 JUN 2021 SHEET
DRAWN BY: DEJ REV: 1

Exhibit B

Proposed 2021 Master Plan



- LEGEND**
- WETLANDS
 - TRAIL
 - IMPROVED DITCH
 - RECORDED UNITS-TYPE 1 BUILDING PAD
 - 10' RECORDED UNITS-TYPE 2 (SEE NOTE)
 - REMAINING PHASE-TYPE 1 BUILDING PAD
 - 10' REMAINING PHASE-TYPE 2 (SEE NOTE)

10' PRIVATE AREA-TYPE 2 NOTE:
PRIVATE AREA-TYPE 2 IS FOR COVERED DECKS, PERGOLAS, HOT TUBS AT GROUND LEVEL, PATIOS, FIRE PITS, BARBECUE GRILLS AND SMALL STORAGE BINS AND OUTDOOR FURNITURE.
ROOFS TO COVER THIS PRIVATE AREA ARE ALLOWED BUT ENCLOSED WALLS ARE PROHIBITED.
PRIVATE AREA-TYPE 2 MAY BE FENCED WITH A 42" HIGH WROUGHT IRON FENCE ONLY.
ALL IMPROVEMENTS IN PRIVATE AREA-TYPE 2 ARE SUBJECT TO THE COAR'S AND HOA APPROVAL.

LAND USE SUMMARY

ZONE	R-1-15
TOTAL AREA	50.87 AC
PUD AREA	50.36 AC
SUBDIVISION AREA	0.51 AC
SUBDIVISION LOTS	1 LOT (REMAIND EX. HOME)
PUD UNITS	86 UNITS
TOTAL UNITS	97 TOTAL UNITS

DENSITY

DENSITY	1.91 PER ACRE
ONSITE OPEN SPACE	27.33 AC (53.73% OF ENTIRE)
OFFSITE OPEN SPACE	1.32 AC (2.59%)
TOTAL OPEN SPACE	28.65 AC (56.32% OF ENTIRE) (50% REQUIRED)

PUD UNIT FRONT SETBACK NOTE:
RE:16.8.5.C. THE CITY COUNCIL MAY HAVE THIS REQUIREMENT (STAGGERED SETBACKS) WHEN A CURVILINEAR STREET DESIGN IS USED AND SHOWN TO CREATED THE SAME VARYING SETBACK EFFECT.

PUD DENSITY CALCULATIONS

TOTAL PUD AREA	50.36 ACRES
WETLAND AND 25' BUFFER	13.39 ACRES
DENSITY FOR R-1-15 ZONE	2.50 UNITS/ACRE
DENSITY FOR WETLANDS AND 25' BUFFER:	0.10 UNITS/ACRE
$2.50(50.36 - 13.39) + 13.39(0.10) = 93.74$	

ALLOWED PUD UNITS FOR THE PROPERTY

UNITS FOR OFFSITE OPEN SPACE TRANSFER	2.26
TOTAL PUD UNITS ALLOWED FOR PROJECT	96.00

*SEE OFFSITE OPEN SPACE TRANSFER APPROVAL FROM MEADWAY CITY COUNCIL. MAXIMUM OF 97 UNITS ALLOWED FOR THE DEVELOPMENT.

MEADWAY CITY CODE EXCEPTIONS NOTE:
THIS PLAN IS BASED ON THE FOLLOWING EXCEPTIONS ALLOWED IN CITY CODE:
-CUL-DE-SAC LONGER THAN 500 FEET WITH CITY COUNCIL APPROVAL
-WETLAND SETBACKS WITH CITY ENGINEER APPROVAL

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P.M.A. & M.E. P.E.
SERIAL NO. 285586
DATE: 28 JUN 2021

PHASE 4

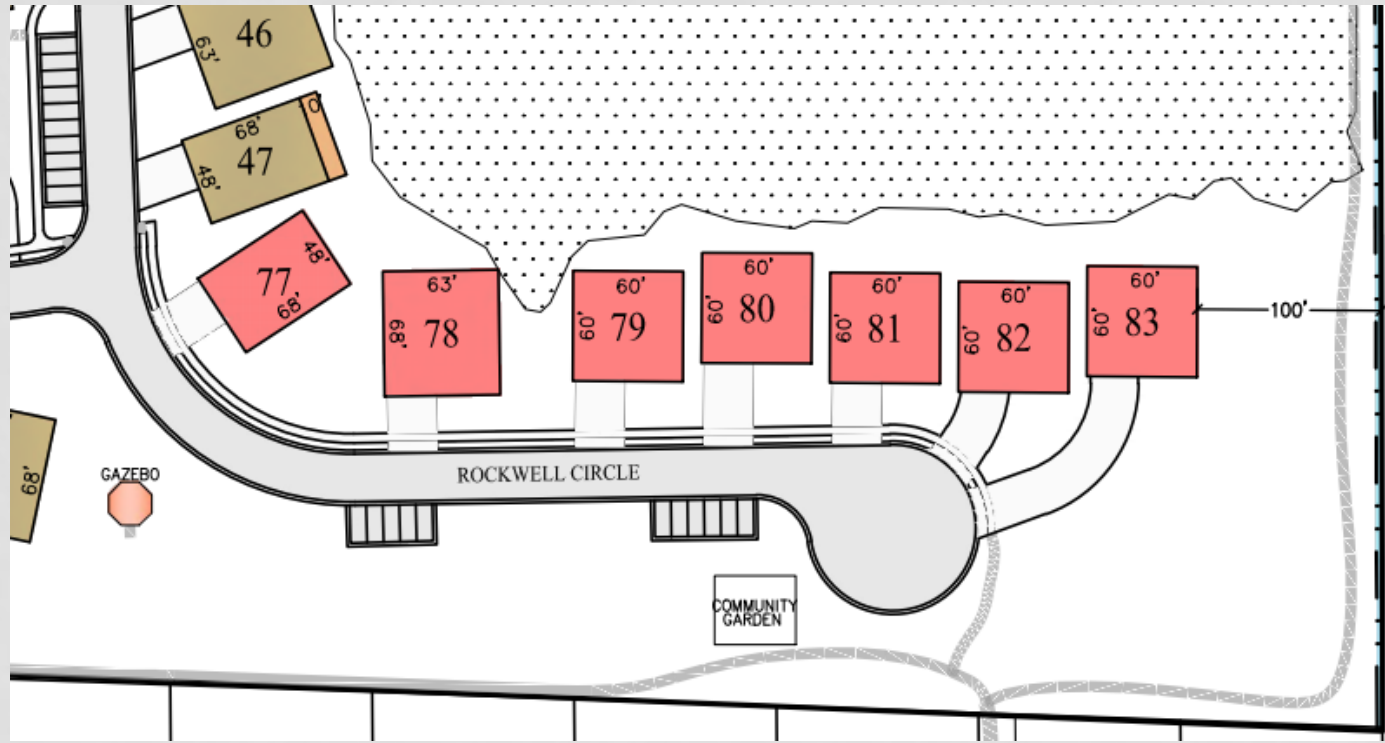
WATTS ENTERPRISES
REMUND FARMS
MASTER PLAN
AMENDMENT 2021

ENGINEERING
380 E Main St, Suite 204
Meadway, UT 84049
ph 435.657.9799

DESIGN BY: PJB DATE: 29 JUN 2021 SHEET 2
DRAWN BY: CNE REV:

Exhibit C

Existing 2019 Master Plan



Proposed 2021 Master Plan

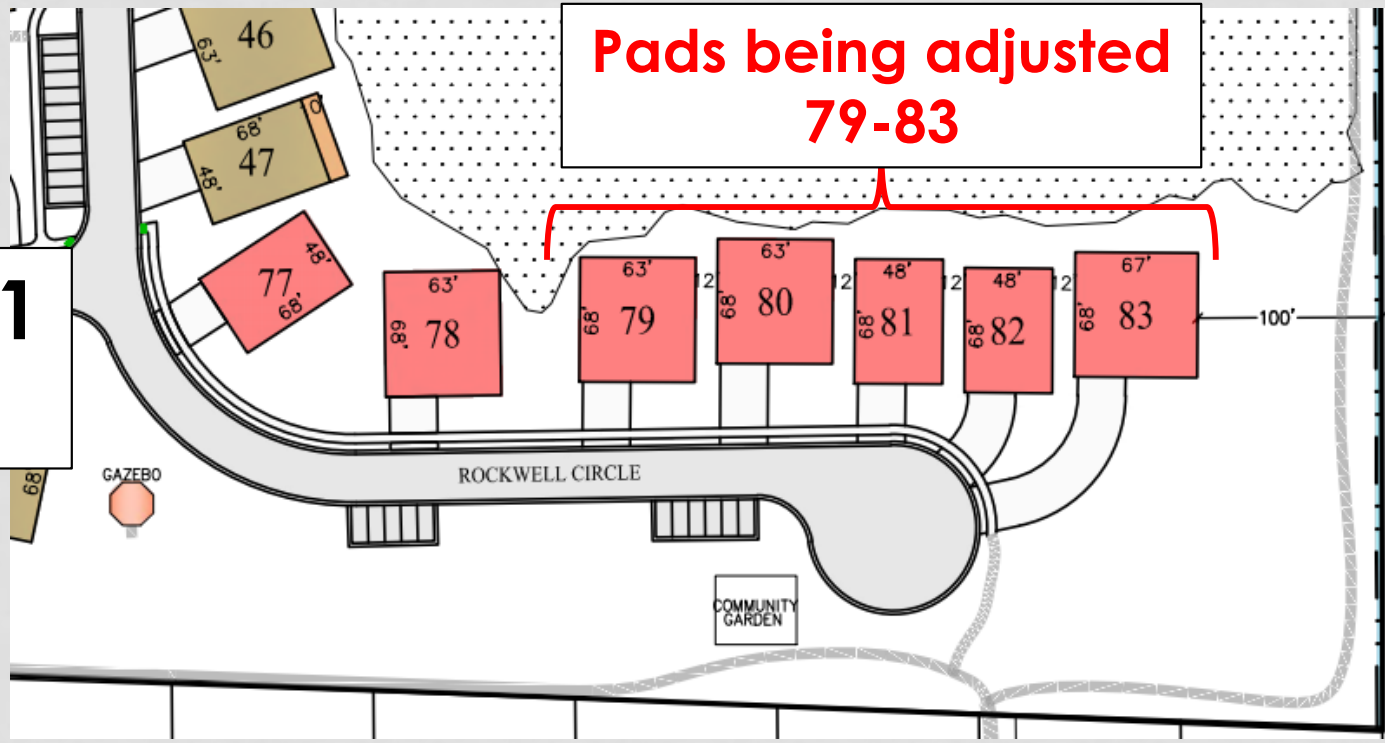


Exhibit D



SCALE: 1"=100'

- LEGEND:**
- WETLANDS
 - RECORDED UNIT (BUILDING PAD)
 - FUTURE UNITS (BUILDING PAD)
 - 10' PRIVATE AREA-TYPE 2

OPEN SPACE REQUIREMENTS:
 PERIPHERY - 40' MINIMUM
 INTERIOR - 100' MINIMUM

TOTAL OPEN SPACE: ONSITE 26.91 AC (52.81%)
 OFFSITE 1.32 AC (2.62%)
TOTAL 28.23 AC (55.51%) (50% REQUIRED)

OPEN SPACE DEDICATION BY PHASE

PHASE	AREA	OPEN SPACE PER PHASE	TOTAL PROJECT AREA	TOTAL PROJECT OPEN SPACE
1	15.96 AC	11.26 AC (70.55%)	15.96 AC	11.26 AC (70.55%)
OFFSITE	1.32 AC	1.32 AC (100.00%)	15.96 AC	12.58 AC (78.82%)
2	17.96 AC	8.10 AC (45.10%)	33.92 AC	20.68 AC (60.97%)
3	3.59 AC	0.62 AC (17.27%)	37.51 AC	21.30 AC (56.78%)
4	4.14 AC	1.29 AC (31.16%)	41.65 AC	22.59 AC (54.24%)
5	9.22 AC	5.64 AC (61.17%) 28.23 AC	50.87 AC	28.23 AC (55.51%)

OPEN SPACE NOTES:
 TOTAL AREA: 50.87 ACRES
 PUD AREA: 50.36 ACRES
 TOTAL OPEN SPACE: 28.23 ACRES (55.51%) OF ENTIRE DEVELOPMENT

OPEN SPACE IN A SINGLE OPEN SPACE AREA = 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 PUD REQUIREMENT.

OPEN SPACE DEDICATION BY PHASE

PHASE	AREA	OPEN SPACE PER PHASE	TOTAL PROJECT AREA	TOTAL PROJECT OPEN SPACE
	1	15.96 AC	11.26 AC (70.55%)	15.96 AC
	OFFSITE	1.32 AC	1.32 AC (100.00%)	15.96 AC
	2	17.96 AC	8.10 AC (45.10%)	33.92 AC
	3	3.59 AC	0.62 AC (17.27%)	37.51 AC
	4	4.14 AC	1.29 AC (31.16%)	41.65 AC
	5	9.22 AC	5.64 AC (61.17%) 28.23 AC	50.87 AC

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PAUL D. BORG, P.E.
 SERIAL NO. 385289
 DATE: 28 JUN 2021

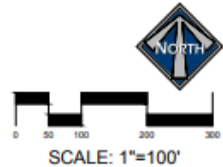
WATTS ENTERPRISES
 REMUND FARMS
 APPROVED 2019
 OPEN SPACE PLAN



DESIGN BY: PDB
 DRAWN BY: DEJ
 DATE: 29 JUN 2021
 REV: 3

SHEET 3

Exhibit E



- LEGEND**
- WETLANDS (10.00 AC)
 - RECORDED UNITS-TYPE 1 BUILDING PAD
 - 10' RECORDED UNITS-TYPE 2 (SEE NOTE)
 - REMAINING PHASE-TYPE 1 BUILDING PAD
 - 10' REMAINING PHASE-TYPE 2 (SEE NOTE)

OPEN SPACE REQUIREMENTS:

PERIPHERY - 40' MINIMUM
 INTERIOR - 100' MINIMUM

TOTAL OPEN SPACE: ONSITE 26.78 AC (50.84%)
 OFFSITE 1.32 AC (2.42%)
 TOTAL 28.10 AC (55.24%) (50% REQUIRED)

OPEN SPACE DEDICATION BY PHASE

PHASE	AREA	OPEN SPACE PER PHASE	TOTAL PROJECT AREA	TOTAL PROJECT OPEN SPACE
1	15.96 AC	11.31 AC (70.86%)	15.96 AC	11.31 AC (70.86%)
OFFSITE	1.32 AC	1.32 AC (100.00%)	15.96 AC	12.63 AC (79.14%)
2	17.96 AC	8.10 AC (45.10%)	33.92 AC	20.73 AC (61.11%)
3	3.59 AC	0.62 AC (17.27%)	37.51 AC	21.35 AC (56.92%)
4	4.14 AC	1.17 AC (28.26%)	41.65 AC	22.52 AC (54.07%)
5	9.22 AC	5.58 AC (60.52%)	50.87 AC	28.10 AC (55.24%)

OPEN SPACE NOTES:

TOTAL AREA 50.87 ACRES
 PUB AREA 50.36 ACRES
 TOTAL OPEN SPACE: 28.16 ACRES (55.36%) OF ENTIRE DEVELOPMENT

OPEN SPACE IN A SINGLE OPEN SPACE AREA = 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 PUD REQUIREMENT.

OPEN SPACE DEDICATION BY PHASE

PHASE	AREA	OPEN SPACE PER PHASE	TOTAL PROJECT AREA	TOTAL PROJECT OPEN SPACE
1	15.96 AC	11.31 AC (70.86%)	15.96 AC	11.31 AC (70.86%)
OFFSITE	1.32 AC	1.32 AC (100.00%)	15.96 AC	12.63 AC (79.14%)
2	17.96 AC	8.10 AC (45.10%)	33.92 AC	20.73 AC (61.11%)
3	3.59 AC	0.62 AC (17.27%)	37.51 AC	21.35 AC (56.92%)
4	4.14 AC	1.17 AC (28.26%)	41.65 AC	22.52 AC (54.07%)
5	9.22 AC	5.58 AC (60.52%)	50.87 AC	28.10 AC (55.24%)

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PAUL B. BORG, P.E.
 SERIAL NO. 282285
 DATE: 28 JUN 2021

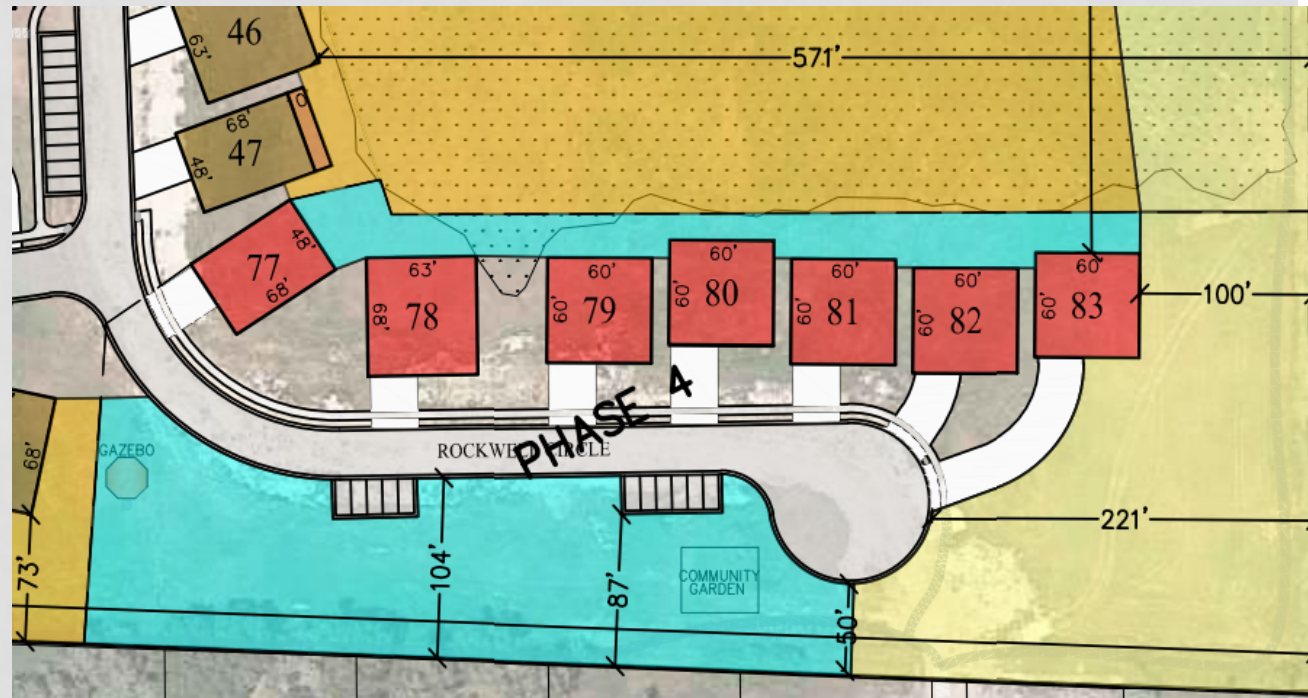
WATTS ENTERPRISES
 REMUND FARM
 OPEN SPACE PLAN
 AMENDMENTS 2021

DESIGN BY: PDB DATE: 29 JUN 2021 SHEET 4
 DRAWN BY: DEG REV:

Overall open space decrease of 0.12 acres (0.17%)

Exhibit F

Existing 2019 Master Plan



Proposed 2021 Master Plan

Setbacks to property lines remain the same

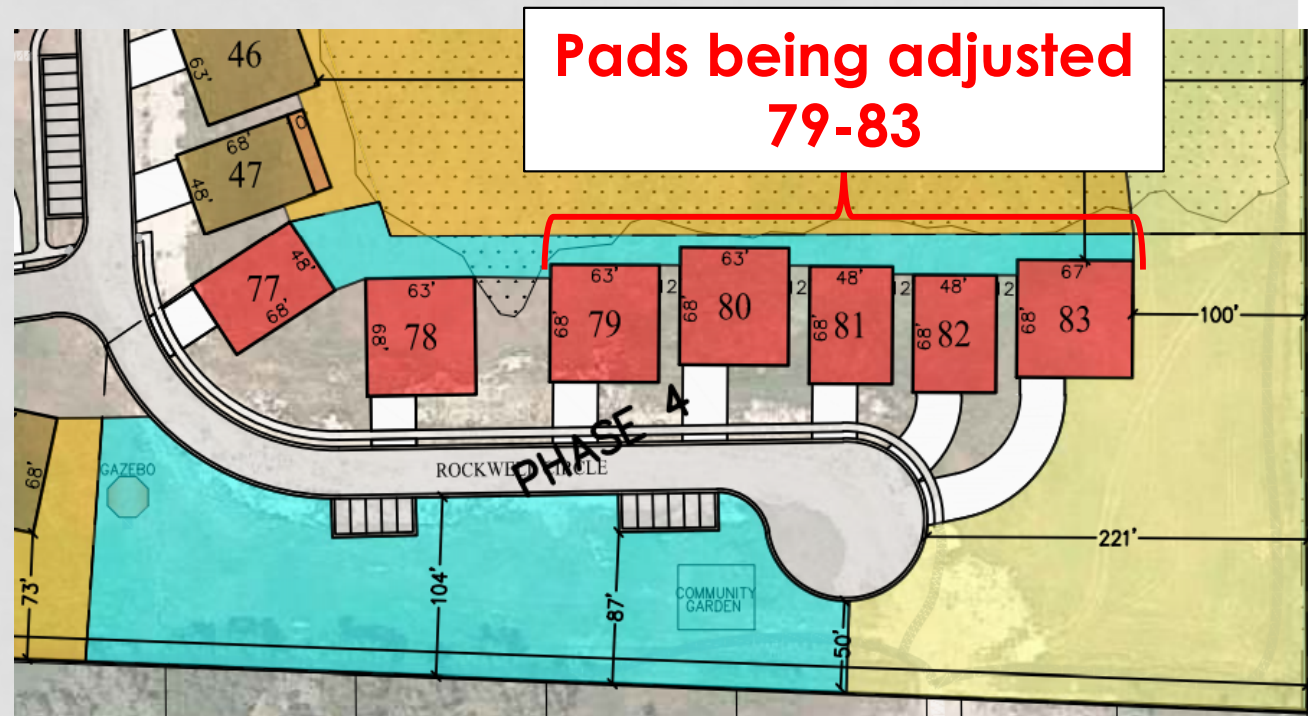


Exhibit G

Remund Farms Phase 4

10' asphalt trail,
5' shoulders

6' asphalt trail

300 North

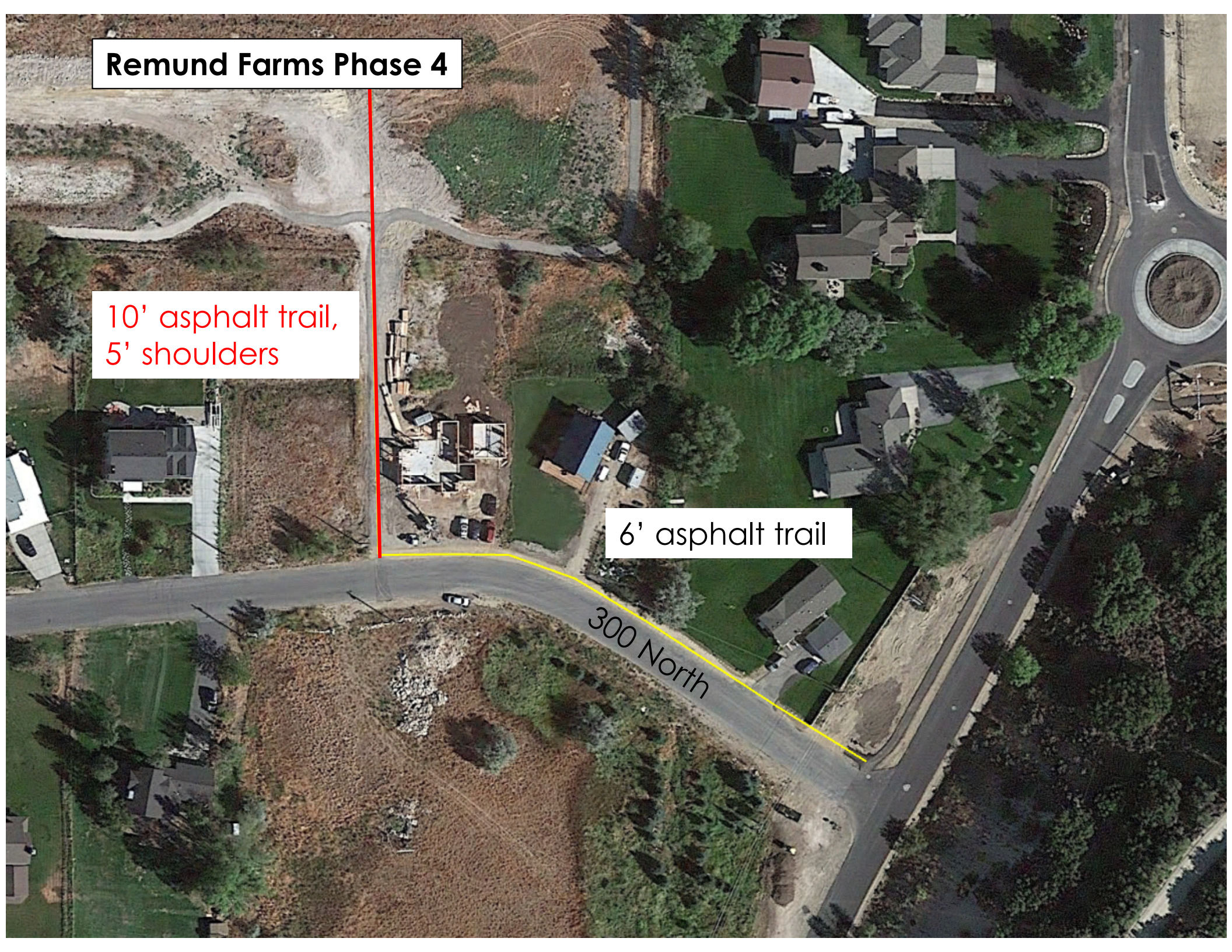


Exhibit H

1 FURT
SECTION
REPRE

WETLANDS

• SM SURVEY MONUMENT

200 EAST

PUBLIC TRAIL EASEMENT

N89°48'03"E 803.50'

30.08'

N89°48'47"E 346.55'

297.19'

WETLANDS

49.40'

6' PUBLIC A

112.30'

COMMON
AREA

20.00'
PUBLIC TRAIL
EASEMENT

60'

16

.89

CC DD

6' PRIVATE TRAIL

KIDS
BARN

SILO

59.72'

SM

WEST 218.58'

200 East

600 North

8' asphalt trail

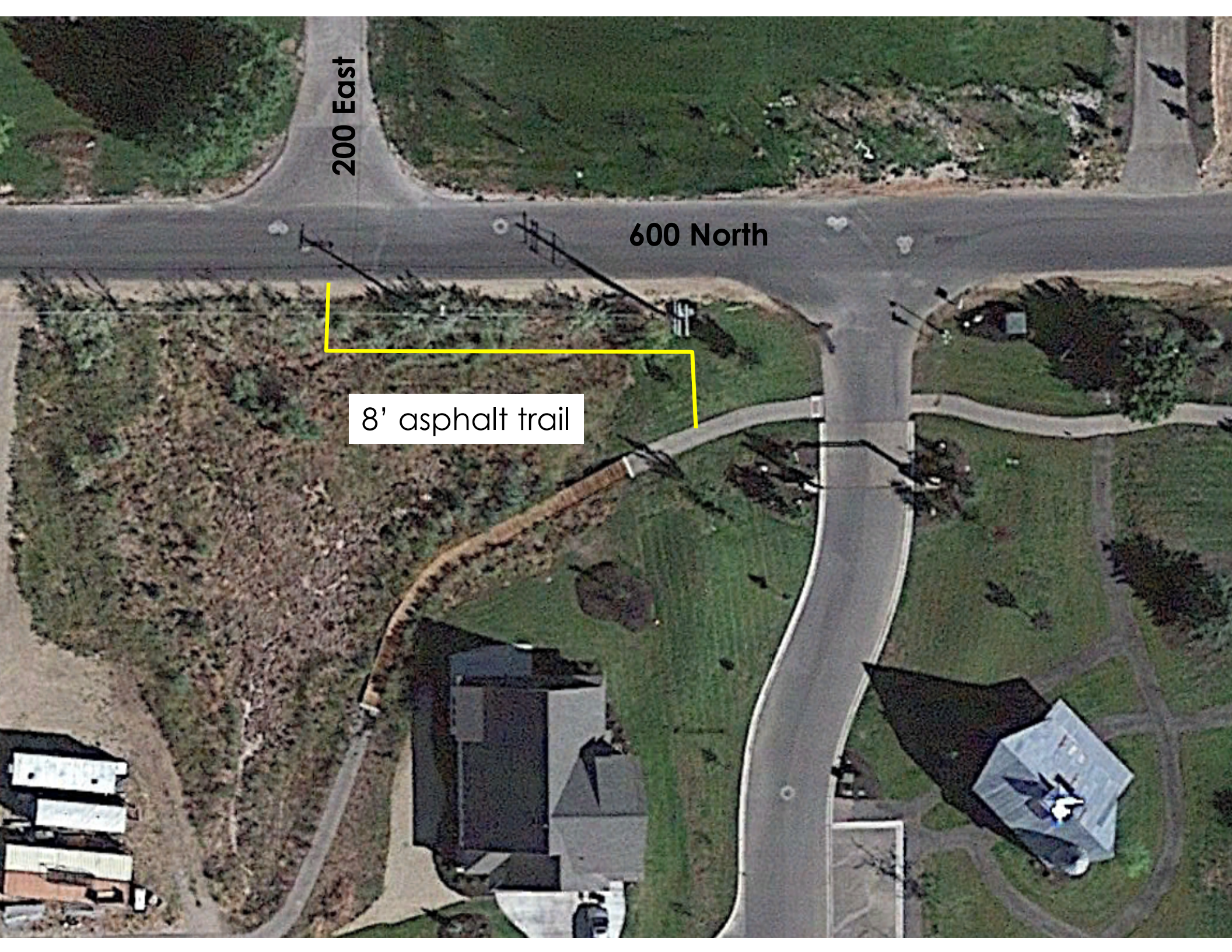


Exhibit I

Council Member Dougherty	Aye
Council Member Drury	Nay
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Without objection, Mayor Johnson recessed the meeting at 8:15 p.m. She reconvened the meeting at 8:24 p.m.

9. Resolution 2021-27 / Watts Remund Farms Master Plan Agreement Second Amendment (Berg Engineering – Approximately 30 minutes) – Discuss and possibly approve Resolution 2021-27 adopting a second amendment of the master plan agreement for the Watts Remund Farms PUD located at 200 East 600 North. Recommended without conditions by the Midway City Planning Commission.

Michael Henke gave a presentation regarding the request and reviewed the following items:

- Land use summary
- Location of the development
- Master plan approval
- Proposed amendments
- Existing 2019 master plan
- Proposed master plan
- Possible findings
- Proposed conditions
- Pictures of the trail and fencing going to 250 North

Mr. Henke also made the following comments:

- The request amended the master plan for the project.
- Some units would encroach into the wetlands buffer with the amendment.
- Phases four and five would be affected.
- The existing master plan allowed other units to encroach into the buffer.
- The Council could grant encroachments into the buffer.
- Phase four had received preliminary approval but phase five had not.
- The amendment met the open space requirements.
- The changes to the water requirements were insignificant.
- The closest structure to the property line would be an outbuilding.
- The applicant could pave a gravel trail on 300 North and connect it to a sidewalk in the project in exchange for the request. This trail would also be a hard surface emergency access.
- The applicant could also build a trail connecting to 200 East on 600 North.
- Partial results had been received from the water studies.
- The project setbacks were grandfathered from a previous code.

Note: A copy of Mr. Henke’s presentation is contained in the supplemental file.

The Council, staff and meeting attendees discussed the following items:

- The Municipal Code indicated that the City Engineer recommended an encroachment into the open space buffer. What was his criteria for a recommendation? The City Engineer looked at council approval, amenities, the type of development, etc. This information was not included on the proposed plat map.
- Decks had to be in the building envelope unless otherwise noted.
- The request could allow a 35-foot-high structure next to wetlands.
- The City Engineer had granted encroachments, without council approval, for driveways and sports courts.
- Phase five could be affected by ongoing water studies.

Paul Berg, Berg Engineering Resource Group and representing the applicants, made the following comments:

- Building envelopes had been increased in the first three phases to include roof overhangs.
- The houses would not be any larger.
- The envelopes were also being increased for decks.

Public Hearing

Mayor Johnson opened the hearing and asked if there were any comments from the public.

Steve Ritland

Mr. Ritland asked if the height of the units would change. Michael Henke responded that they would not change.

Athina Koumarela

Ms. Koumarela read the section of the Municipal Code regarding wetlands and surface grading. She made the following comments:

- The original setback should be honored.
- The request would set precedence.
- Roof overhangs should not be so close to wetlands.
- The setbacks had been discussed in many meetings and now the developer wanted to change them.
- The larger setbacks were a concession to the neighbors.
- Work along her fence line needed to be completed.
- The water data had fluctuated significantly.

Note: Ms. Koumarela also submitted written comments which are contained in the supplemental file.

Cathy Philpot

Ms. Philpot made the following comments:

- The development caused significant water problems on her property.
- Reed grass and mud had increased on her property.
- The humidity was 90% underneath her house.
- There was more water in the pasture to the south of her house.
- The increased water was happening during a drought.
- The life of her house would be reduced.
- Gave an easement for infrastructure for the property.
- Water from the east side of the project was flowing down to her property.
- Water was coming out of the ground and going into the ditch along 250 North.
- The setbacks should not be reduced.
- She was being taken advantage of.
- Was told there would be no further approvals if the problems continued.
- Her property taxes had significantly increased.
- Did not want the open space to be lost.
- French drains eventually plugged off.

Ron Meek

Mr. Meek made the following comments:

- Put in a drain on his property.
- Had to also install a sump pump.
- Water was coming up in his lawn.
- The value of his property was being reduced.
- He was on a fixed income.

Mayor Johnson closed the hearing when no further public comment was offered.

Russ Watts, applicant, made the following comments:

- Was working on the water issues and wanted them resolved before approval was granted for the two phases.
- Cleaned the ditch as a service but removed clay in the process which effected the flow of water.
- Was dedicating 50% open space.
- Would use the same house plans as the other phases.
- The rest of the development had dried up except for the fifth phase.
- The majority of the water and sewer had been installed at the request of the City.

The Council, staff and meeting attendees discussed the following items:

- Property owners could protest their tax bills with the Board of Equalization.
- The City Engineer, project developer, and project hydrologist had met but a plan had not

- yet been submitted to mitigate the flow of the water.
- The HOA for the project could continue to monitor the piezometers.
- Did the bond for the project cover the water issues?
- Pipes and French drains could be cleaned by the HOA in conjunction with the cleaning of the sewer lines.
- A rock saw had been used and discharged on a narrow area of Ms. Koumarela's fence line.
- The developer had voluntarily increased the setbacks up to 100 feet in some areas.
- The setbacks should not be reduced.
- Units had been removed from one side of a road, in the project, and other units allowed to go into the wetlands buffer. This helped increase the setbacks.
- The City should do all that it could to mitigate the water issues.
- The request should be tabled to improve the location of Unit 96 and address other issues.
- The wetlands buffer could be violated more easily than people thought.
- An approval was meaningless if the project could not be built because of the groundwater.
- Clay dams had been installed to prevent ground water from flowing along the buried infrastructure. The clay could be forcing the water to neighboring properties.
- Should piezometers be placed on the neighboring properties?
- The ditch along 250 West now included watercress which indicated that it had fresh water.
- The utilities had already been installed in the cul-de-sac so the location of the units could not be moved. The floorplan for Unit 96 might have to be changed.

Motion: Council Member Simonsen moved to table Resolution 2021-27, and that it be reviewed by the applicant and the City Council to be brought back to the next council meeting if the following issues had been resolved:

- Unit 96 fixed by keeping the setback at 42 feet.
- The water issues reviewed to determine if they should be dealt with now or later and how they would be monitored and prevented over time.

Second: Council Member Orme seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Dougherty	Aye
Council Member Drury	Aye
Council Member Orme	Aye
Council Member Payne	Aye
Council Member Simonsen	Aye

Motion: Council Member Drury moved to continue the meeting to consider the next item on the agenda.

Second: Council Member Orme seconded the motion.

Exhibit J

Luke Robinson

From: Cathy Philpot [REDACTED]
Sent: Tuesday, August 31, 2021 5:23 PM
To: Luke Robinson; [REDACTED]
Subject: Re: Remund Farms changes?

Luke,

Thank you so much for your quick response. After a first scan, I have some comments.

1. I DON'T like that the setback from my property decreased by 12 feet. Why is that ok?
2. I'm assuming that it is already in the agreement, that the trail be paved from 250 N to the development.
3. Which pads are smaller? It looks like all the houses get bigger (and taller) every time they start a new one. Is this ok with the city?

And, my biggest problem: What about the increased groundwater? Nothing is mentioned here. Wes Johnson has promised me that Phase 5 will not go through until that is addressed. Who will pay for that? Is there any plan for mitigation? The humidity readings in our crawl space are sometimes 90%! I have water oozing up in my back yard. I can see water flowing into the irrigation ditch from the muskrat holes. At least the muskrats moved out. And my pasture used to be about 25% reed grass and mud. It's getting closer to 50% in a drought year!

Since the Planning Commission is under no obligation to make these changes, can you pick and choose which things are ok'd? Can you put a condition that the increased water table be addressed before Phase 5 is approved?

I am sorry to be Negative Nellie, but I really am worried about our house.

Thank you for your time.

Cathy Philpot

On Aug 31, 2021, at 4:24 PM, Luke Robinson <lrobinson@midwaycityut.org> wrote:

Cathy,

Thanks for reaching out. Michael forwarded me your message in hope that I could address your question below.

The intent of the proposed master plan amendment for phase 4 and 5 is to adjust the sizes of twelve of the seventeen building envelopes. Some will increase in size, and some will decrease. The proposed adjustments will create a combined increase in footprint square footage of approximately 2,760sf. They are proposing the adjustment so that they can construct the same units that have been built in previous phases.

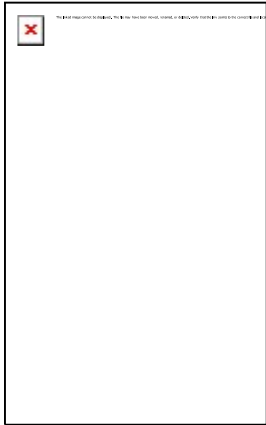
The other difference is the creation of a limited common area along the back of unit 91, similar to what was added to other units in the previous masterplan.

I've also added the staff report that we presented to the planning commission along with some slides from the power point in the event that they help address the adjustments.

Hopefully this helps!

Let me know if you have any other questions.

Thanks,



Luke Robinson

Planner

H: Mon-Thurs 8-5:30 Out Fridays

P: 435-654-3223 ext. 121

E: lrobinson@midwaycityut.org

75 N 100 W – P.O. Box 277
Midway, UT 84049

www.midwaycityut.org

Luke Robinson

From: Sheila Siggard [REDACTED]
Sent: Wednesday, September 1, 2021 10:10 AM
To: Michael Henke; Luke Robinson; JC Simonsen; Melannie Egan;
[REDACTED]
Cc: Rene Holm; Ruth Holmes; athina Koum; [REDACTED]
Subject: Public Hearing, Sept. 7, 2021 - Remund Farms

Dear Michael, Rob,, Luke & Melannie,

Will you please circulate this email to other members of the Planning Commission. Thanks.

This can be very short, but please feel the intensity with which it comes. NO increased pad sizes for Remund Farms!! I will be unable to attend the Public Hearing due to an appointment scheduled in Provo a month ago.

Since the citizens voted for an Open Space bond, how disgusting that Russ Watts is trying to squeeze out just a little less space. Is it never enough for these developers?

Center Street was once a pleasant country road, but it has become a construction zone, and our cherished peace has been robbed. Neighbors are still complaining about the original Remund Farms development.

Please, if you have any regard for neighbors around this project, give an unequivocal no to increasing the pad sizes for Phases 4 and 5. Plenty of residents are furious Russ Watts has not built a new school or paid for increased infrastructure for which his projects have created such needs.

Thank you,

Sheila Siggard

Luke Robinson

From: Rene Holm [REDACTED]
Sent: Wednesday, September 1, 2021 10:50 AM
To: [REDACTED]
Cc: Michael Henke; Luke Robinson; JC Simonsen; Melannie Egan;
[REDACTED] Ruth Holmes; athina Koum; [REDACTED]
Subject: Re: Public Hearing, Sept. 7, 2021 - Remund Farms

Hello All,

This will also be short. Thank you for the notification and a moment for my thoughts. We will also not be able to attend the meeting next Tuesday. But I would like my remarks to be given to all City Council members and placed in packets.

IF neighbors had a say and a choice between a paved trail and larger pads for this already burgeoning development, it would be a huge "DO NOT BARGAIN" like this.

I've heard it said that the encroachment on the wetlands of some of these pads was so the neighbors could have a bit more space, but that is not fully true. Encroachment on the wetlands for this project was so the developer could get 97 homes within the code the way it's written. This was a compromise where the code had to be maneuvered around one way or another. I realize this is a difficult task for all involved. But sometimes citizens want to feel like they matter more than the bottom line. The fact that there was already a trade for open space— which is not part of this development— for more pads, grates on many of us who live around this project and it's sensitive land. Now they want larger pads for a paved trail? When is enough enough? If the plan all along is to go back and back to the city for more and more, it's a continual moving target and feels like manipulation. Make the developer give up some units to get his larger pads. It seems he should have been paving the trails in the first place if that's what the City wanted!

On another note: thank you for giving staff time to work through some issues with the difficult code you have been saddled with. It's taken too much of your time and caused too much angst for longtime homeowners. I hope it will help future large-scale subdivisions be less time consuming AND less impactful on surrounding communities.

Thank you again for your time.

Rene' Holm



Midway

**RESOLUTION
2022-07**

**A RESOLUTION APPROVING A SECOND AMENDMENT TO THE
MASTER PLAN AGREEMENT FOR THE REMUND FARMS SUBDIVISION**

WHEREAS, Utah law authorizes municipalities to enter into master plan and development agreements for the use and development of land within the municipality; and

WHEREAS, in August 2018, the Midway City Council found it in the public interest of the City of Midway to enter into a master plan agreement with the developer of the Remund Farms Subdivision for the use and development of the land included within that proposed project; and

WHEREAS, certain portions of the master plan agreement were amended in October 2019; and

WHEREAS, now, additional amendments are being made to the master plan agreement concerning Phase 4 of the project.

NOW, THEREFORE, be it hereby **RESOLVED** by the City Council of Midway City, Utah, as follows:

Section 1: The Midway City Council approves the second amendment to the master plan agreement attached hereto and authorizes the Mayor of Midway City to execute the agreement on behalf of the City.

Section 2: The effect of this Resolution is subject to all conditions of the land use approval granted by the City for the proposed project.

PASSED AND ADOPTED by the Midway City Council on the ____ day of _____, 2022.

MIDWAY CITY

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

**SECOND AMENDMENT OF THE
MASTER PLAN AGREEMENT FOR THE
REMUND FARM SUBDIVISION
MIDWAY CITY, UTAH**

This Second Amendment to the Master Plan Agreement (“Agreement”) is made and entered into by and between MIDWAY CITY, a political subdivision of the State of Utah, (hereinafter referred to as the “City”), and MIDWAY SPRINGS LLC SERIES II, (hereinafter referred to as the “Developer”).

RECITALS

- A. The Parties entered into a Master Plan Agreement on August 2, 2018.
- B. The Parties amended certain portions of the Master Plan Agreement for the first time on October 1, 2019.
- C. As set forth below, the Parties desire to amend certain portions of the Master Plan Agreement for the second time.

AGREEMENT

- 1. Developer desires to adjust the building footprint sizes for 5 of the 7 pads located in Phase 4 of the development. Some of the footprints will expand in depth and width, while others will be reduced.
- 2. Section 4(A)(ii)(b) shall be amended to read as follows: Water Rights: Water rights for each phase are required to be dedicated to the City before the recording of each plat. The Water Board will review and recommend the amount of water rights that are required for each phase. Any adjustments made could impact the amount of water required. The preliminary recommendation from the Water Board is that 173.87 acre feet of water will be required for the entire Project. This number may change based upon the determination of actual wetland acreage by the U.S. Army Corps of Engineers. The final number shall be determined by the Water Board and is anticipated to be between 144.143 acre feet and 173.87 acre feet. The Developer agrees to abide by the final requirement of the Water Board. The required water rights for each phase of the Project shall be officially transferred to the City in writing before the recording of each plat for the Project. The development rights vested herein are expressly conditioned on the transfer of the required water rights for each Phase of the Project. The water rights provided by the Developer shall meet all City policies and Ordinances for culinary and irrigation use, respectively.
- 3. Section 4(A)(ii)(e) shall be amended to read as follows: Open Space: The Midway City Code requires that within each approved phase there be enough open space to comply with the Code’s requirements. For example, Phase I must have at least 50% open space,

but if it had 75% open space, then Phase II would only be required to have 25% open space (assuming both phases are equal in acreage). Although Developer is enlarging the size of some building footprints and decreasing the size of others, the total open space for the project will decrease by approximately 5,227 square feet (0.12 acres) under the new adjustments. The adjustments decrease the total open space from 54.24% to 54.07%. Developer has provided an amended open space plan that complies with the 50% open space per phase requirement for the development.

4. Section 4(A)(ii)(j) shall be amended to read as follows: Sensitive Lands: The Property contains wetlands that will not be disturbed through the development process. The wetlands will become part of the open space for the development and will be preserved. The Land Use Code precludes surface grading within 25 feet of wetlands unless approved by the City Engineer. While several building footprints abut the wetlands and several more encroach into the 25-foot setback, no footprints encroach into the delineated wetlands. Wes Johnson, Midway City Engineer, has approved the proposed footprints with the understanding that Developer will survey the wetland boundaries and install temporary construction fencing when site improvements begin for Phase 4, as well as when homes are constructed in Phases 4. There is a stream/ditch that runs through the property. It will be impacted by the roads crossing the development because of the culverts that will cover the ditch. Midway Irrigation Company owns an easement to the ditch area and will need to approve modifications made to the current ditch. There is a warm spring on the property that will be preserved. There are also acres of wetlands on the property that are included in the open space areas of the development.
5. Section 4(A)(ii)(s) is amended to read as follows: Trails: The Trails Master Plan and the Master Parks Plan calls for a linear park and trail to run north and south across the proposal. The City feels this is a very important community amenity that will benefit current residents and future residents for generations. The trail is of highest priority and careful review of the alignment and landscaping must happen to assure the trail will function and have the effect that it is envisioned to have. If the trail were built per phase then it could take several years, if not more, to complete. As such, the entire length of the trail shall be built at the time of the first phase. The portion of the trail within Phase 1 shall be a 6' wide paved public trail that will be constructed by the Developer. The remaining portion of the trail through Phase 2 and Phase 3 shall be 6' wide and will initially be covered in gravel, slag or other approved material by the City. Once Phase II begins development the trail through this portion shall be paved, with the same for Phase III, IV, and V. The trail plan also calls for a connection to the Blackner property that is also part of the linear park trail system that will also be an 6' wide paved, boardwalk or slag (or similar material) trail, depending on the presence of wetlands and upon approval

of the City. This trail will eventually connect to the Indian Summer subdivision with its part of the linear park trail system.

- a. As a condition for the approval of this second Master Plan Amendment, Developer must pave the road base trail that was previously installed from the corner of River Road and Swiss Paradise Lane to Rockwell Circle cul-de-sac sidewalk in Phase 4. The section along Swiss Paradise Road will be a six-foot (6') wide asphalt trail, while the section running over the easement on Lot 3 in Swiss Paradise and connecting into the Rockwell Circle cul-de-sac will be a ten foot (10') wide asphalt trail with five foot (5') road base shoulders. The added width will create a hard surface for emergency access purposes, as requested by the Wasatch County Fire Department.
- b. Developer must also contribute the costs associated with paving an eight foot (8') wide onsite trail to the general trail fund that can be built in connection with a future trail project. This section will allow people to safely connect from the existing public trail in Remund Farms to the future trail that will run north along 200 East. The trail is onsite and the easement was dedicated with the Phase 1 plat, but the trail has not yet been constructed and the funds to do so were not previously required.

6. Section 4(A)(ii)(z) shall be added to read as follows: Setbacks to Neighboring Properties: Within the development, current building setbacks from the peripheral boundary are sixty feet (60'). The project is vested under a previous code requirement that allows for a thirty foot (30') building setback from the peripheral boundary. In Phase 4, the setbacks from the units to neighboring properties to the east and south will remain the same.

ALL OTHER PROVISIONS OF THE MASTER PLAN AGREEMENT REMAIN UNCHANGED, VALID AND ENFORCEABLE.

IN WITNESS HEREOF, this Agreement has been entered into by and between the Developer and the City as of the date and year first above written.

CITY OF MIDWAY

Attest:

Celeste Johnson, Mayor

Brad Wilson, City Recorder

STATE OF UTAH)

COUNTY OF WASATCH)
:ss

The foregoing instrument was acknowledged before me this ___ day of _____, 2021, by Celeste Johnson, who executed the foregoing instrument in her capacity as the Mayor of Midway City, Utah, and by Brad Wilson, who executed the foregoing instrument in his capacity as Midway City Recorder.

NOTARY PUBLIC

INTENTIONALLY LEFT BLANK
ADDITIONAL SIGNATURES FOLLOW

THE DEVELOPER OF THE REMUND
FARM SUBDIVISION

Midway Springs LLC Series II

By: _____
Its: _____

STATE OF UTAH)
:ss
COUNTY OF WASATCH)

The foregoing instrument was acknowledged before me this ___ day of _____, 2022, by _____, who executed the foregoing instrument in his capacity as the _____ of the Developer, Midway Springs LLC Series II.

NOTARY PUBLIC