

Midway City Council
7 September 2021
Regular Meeting

Resolution 2021-27 /
Watts Remund Farms
Master Plan Agreement
Second Amendment



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: September 7, 2021
NAME OF PROJECT: Watts Remund Farms Phases 4 & 5 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

ITEM: 7

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 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 zone.

BACKGROUND:

Berg Engineering, agent for Midway Springs LLC Series II, is proposing a Master Plan amendment of the Remund Farms Planned Unit Development (PUD) phases 4 & 5 which would update the existing master plan for those two phases. A previous master plan amendment was approved for the whole development on October 1, 2019. The applicants proposed changes are to adjust the building footprint sizes for 12 of the 17 pads in the phases, to allow for the construction of homes that are currently being built in the earlier phases. Some of the footprints would expand (depth and width), while some would be reduced. The second part of the proposal would be the addition of limited common area behind one unit (unit 91) in phase 5.

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.

- 13.32 acres (combined acreage in phases 4 & 5)
- R-1-15 zoning
- Phases 4 & 5 contain 17 building pads (PUD)
- Two phases
 - Phase 4 – 7 units
 - Phase 5 – 10 units
- 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 7,840 SF, or 0.18 acres due to the proposed adjustments. The proposed adjustments decrease the overall open space percentage from 55.51% to 55.24 %. 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 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.

Traffic circulation – The proposed master plan amendment does not appear to impact the road layout for the two phases. The proposed plan does 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 in both phases 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 footprints that abut the wetlands. In the proposed amended master plan, a few additional units would encroach 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.

Additional limited common area – The previous master plan amendment allowed for the addition of a 10’ limited common area along the rear of certain building pads. This proposal would add the limited common area to one more unit, unit 91. The limited common areas would allow a roofless deck, garden, hot tub, fire pit, etc. or other nonstructural improvement in these limited common areas. Pads that do not have a limited common area would not have the ability to have some of these improvements. Decks with roofs, pergolas, additions to the dwelling or any other structure would not be allowed in the limited common area because of Section 16.16.8 (A)(7) which does not allow structures outside of the building pads in PUDs.

Setbacks to neighboring properties – The proposed adjustments to the building pads create an overall enlargement of the pads, resulting in some cases in reduced setbacks from the units to the neighboring properties. 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 from the units to the east and south boundaries remain the same. In phase 5, it appears as though a few of the setbacks from the units to the neighboring properties to the east and south have decreased. The setback to the east decreased from 431’ to 412’. The setback to the south decreased from 42’ to 30’.

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 he 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 would be a 6’ asphalt width while the section running over the easement on lot 3 in Swiss Paradise and connecting into the Rockwell Circle cul-de-sac would be 10’ in width. The added width would create a hard

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 that section of 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 twelve of the seventeen 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 two of the peripheral boundaries in phase 5 will decrease. Setbacks in phase 4 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

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 pave an existing trail along Swiss Paradise Lane to be 6' in width. They will also be required to pave a 10' trail connecting the Swiss Paradise Lane trail, along the easement over Swiss Paradise lot 3 and into the sidewalk at the end of the cul-de-sac in phase 4 of Remund Farms.

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 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.



Cari Ln

1050 N

E Cari Ln

W Burgi Ln

1000 W
50 W

Farm Rd

E 600 N

300 N

W 1200 N St

N-1130-W-St

750 W St
Rainbow Ln

Sharon Ln

N 400 W

N 300 W

W 200 N

W 100 N

N Center St

N 100 E

E 100 N

N 300 E

River Rd

Main St

113

S 550 E

S 580 E

700 E

Zurich Ln

E 260 S

E 300 S

S Ryan Ln

N-1750-W-St

W Midway Ln

S 100 W

S 80 E

S 100 E

S 200 E

W 350 S

E 100 S

S 370 E

S Fox Den Rd

W 500 S

S Center St

W 173 N

S Wards Ln

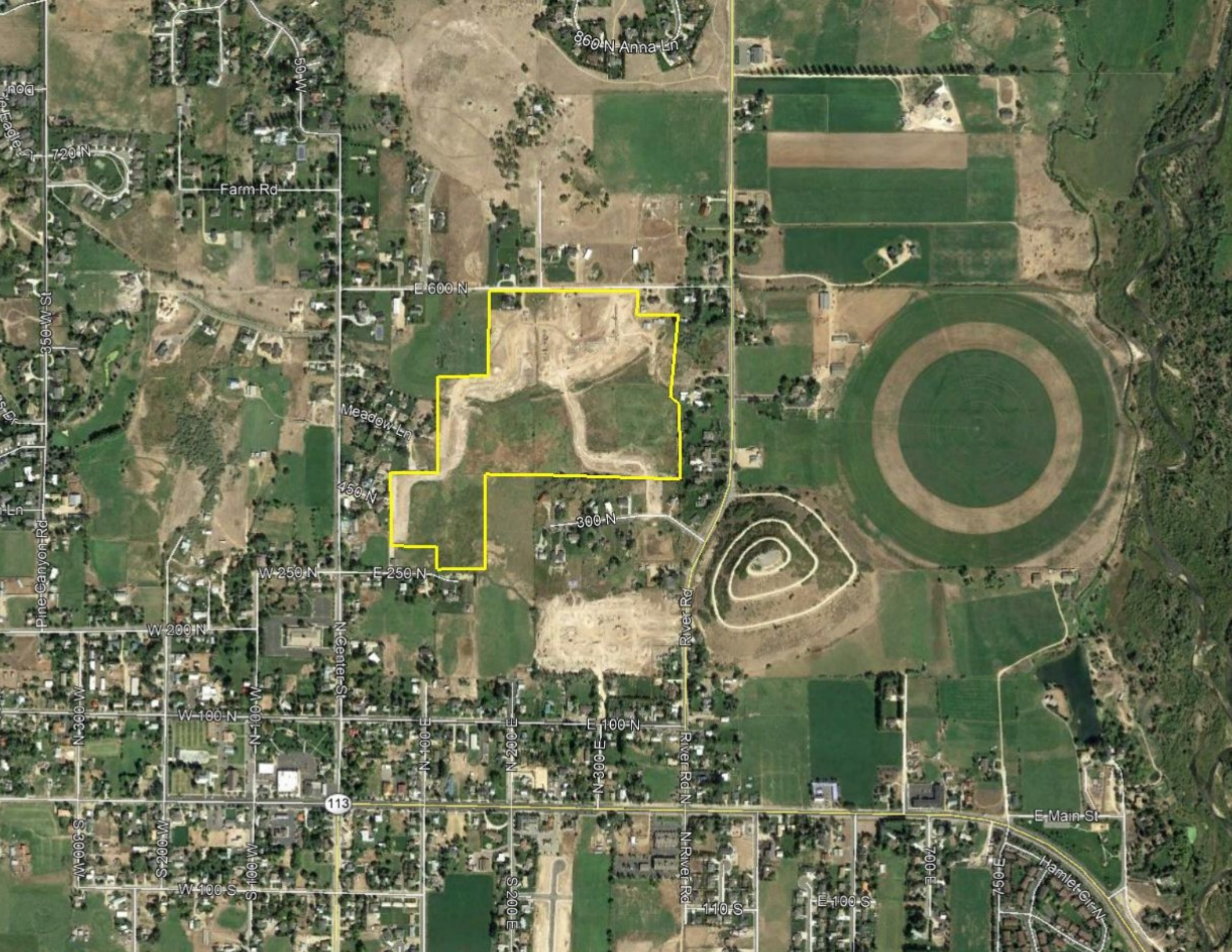
W 865 S

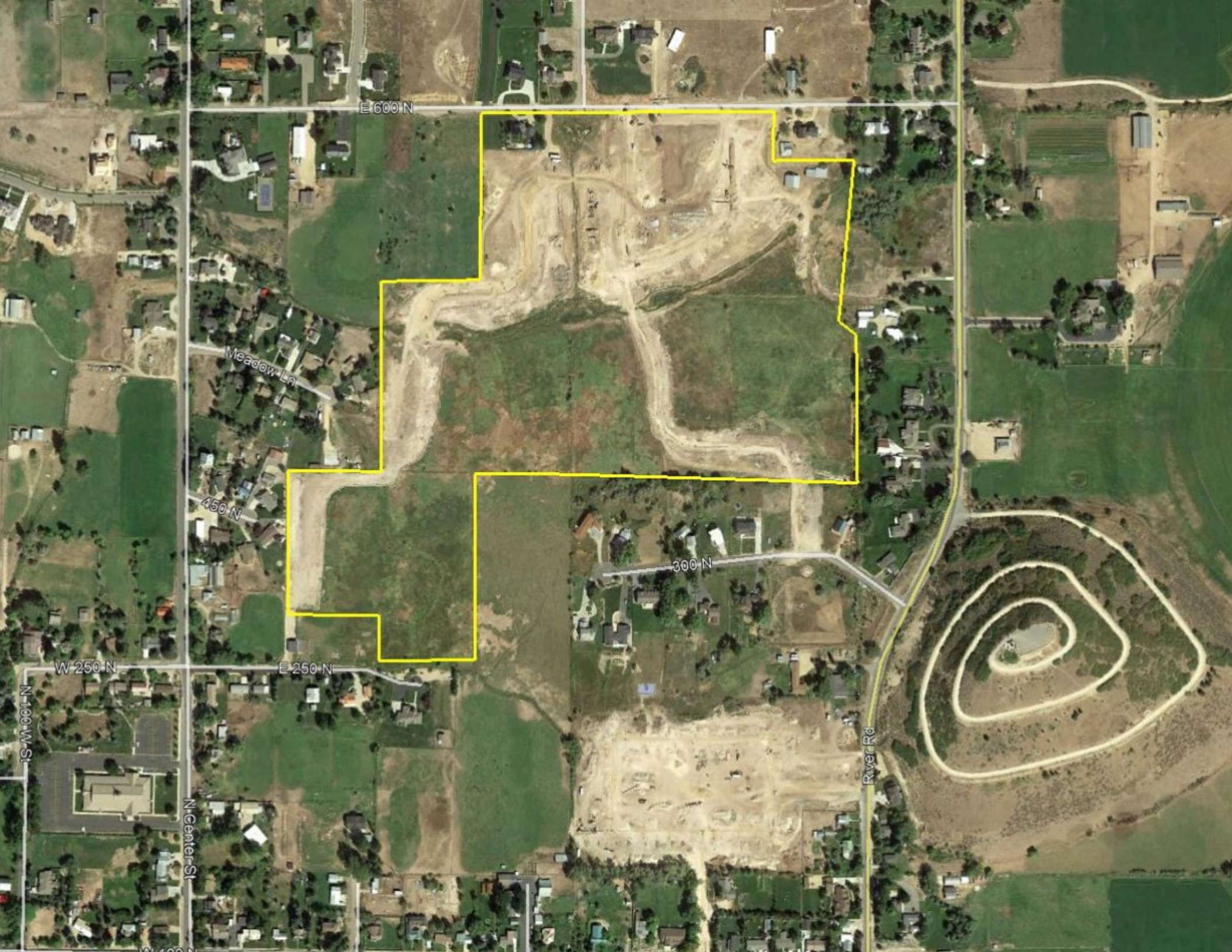
S 250 W

E 850 S

W 1300 W

825 S





Exhibits

Exhibit 1 – 2019 Master Plan

Exhibit 2 – Proposed Master Plan

Exhibit 3 – Phase 4 Master Plan Comparison

Exhibit 4 – Phase 5 Master Plan Comparison

Exhibit 5 – 2019 Open Space Plan

Exhibit 6 – Proposed Open Space Plan

Exhibit 7 – Phase 4 Open Space Plan Comparison

Exhibit 8 – Phase 5 Open Space Plan Comparison

Exhibit 9 – Swiss Paradise/300 North Trail

Exhibit 10 – 600 North Trail

Exhibit 11 – Public Comments

Exhibit 1

Existing 2019 Master Plan

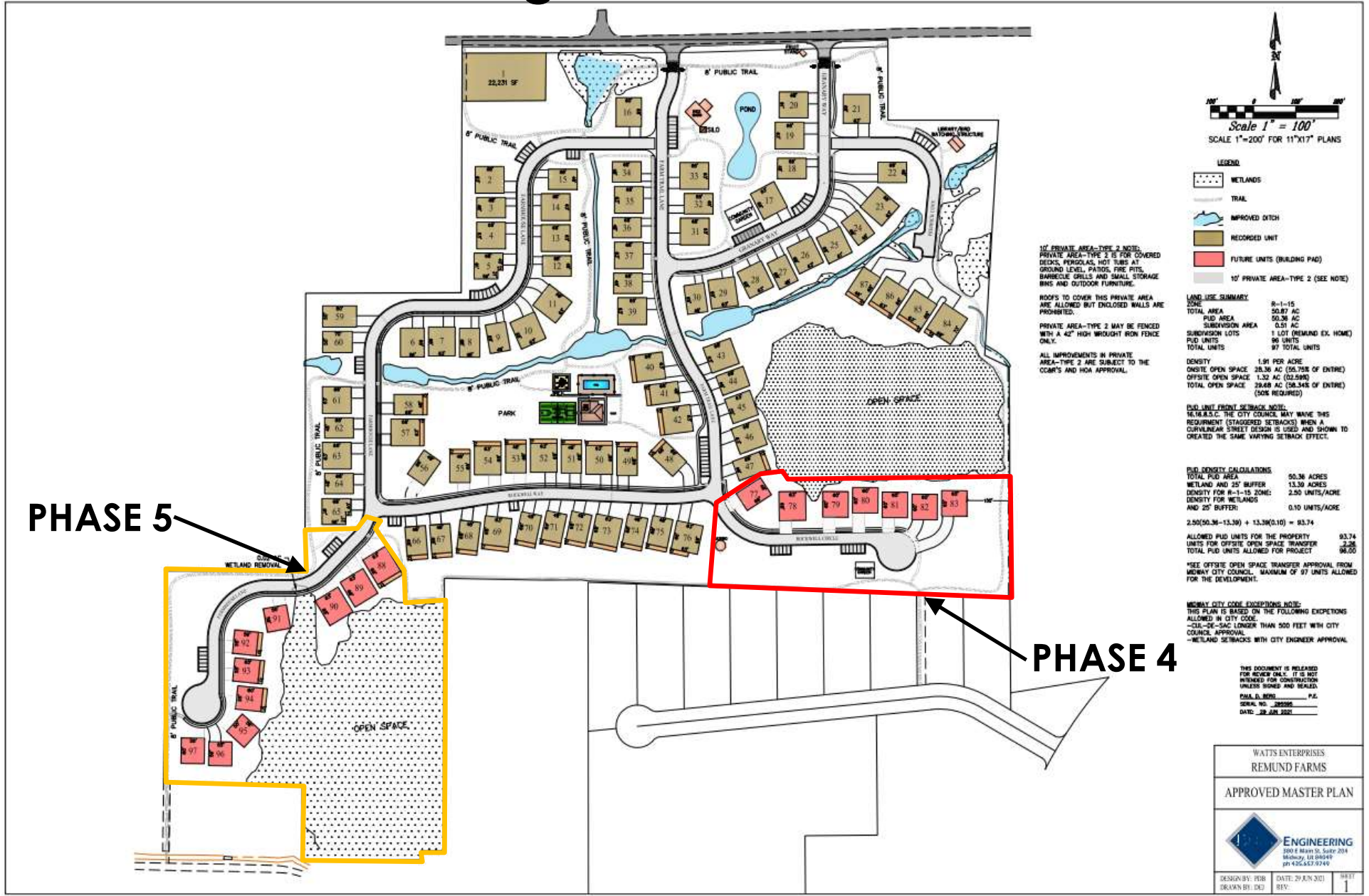


Exhibit 2

Proposed 2021 Master Plan

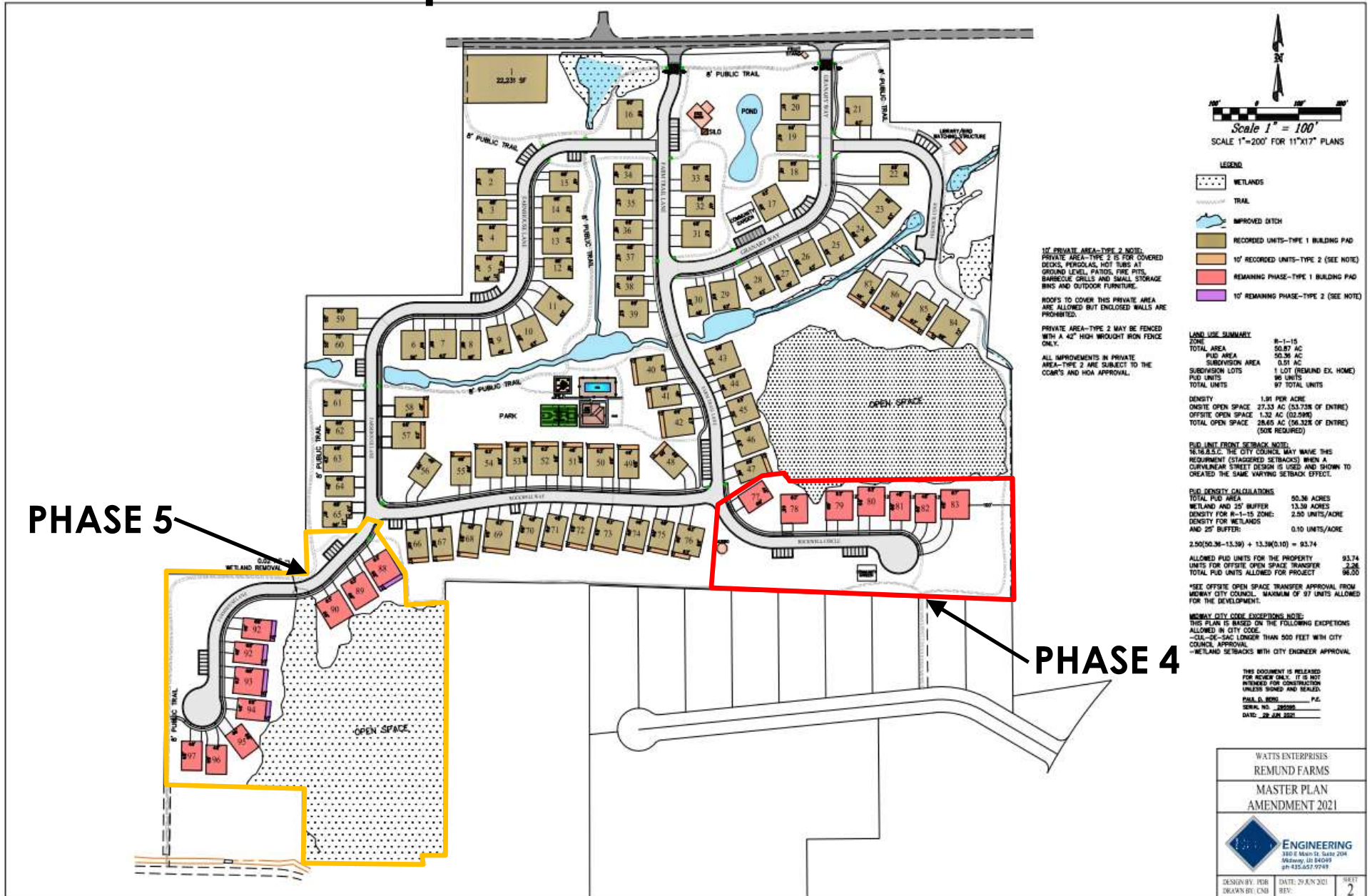


Exhibit 3

Existing 2019 Master Plan



Pads being adjusted 79-83

Proposed 2021 Master Plan

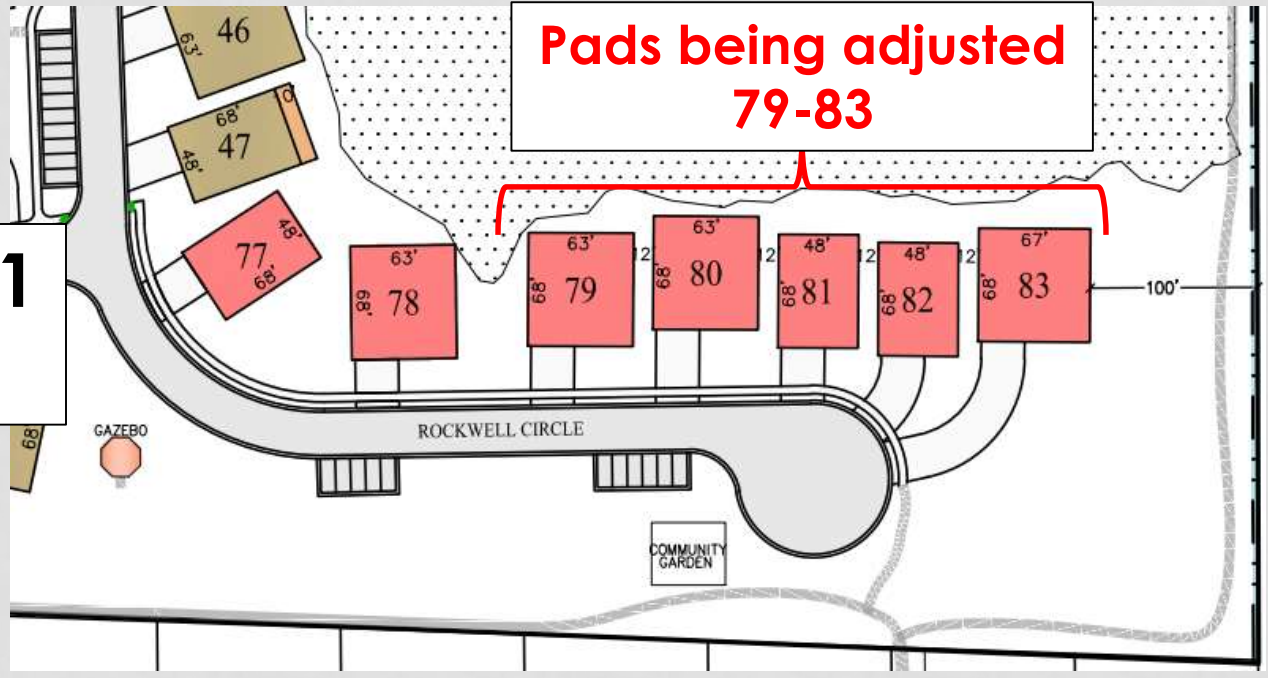
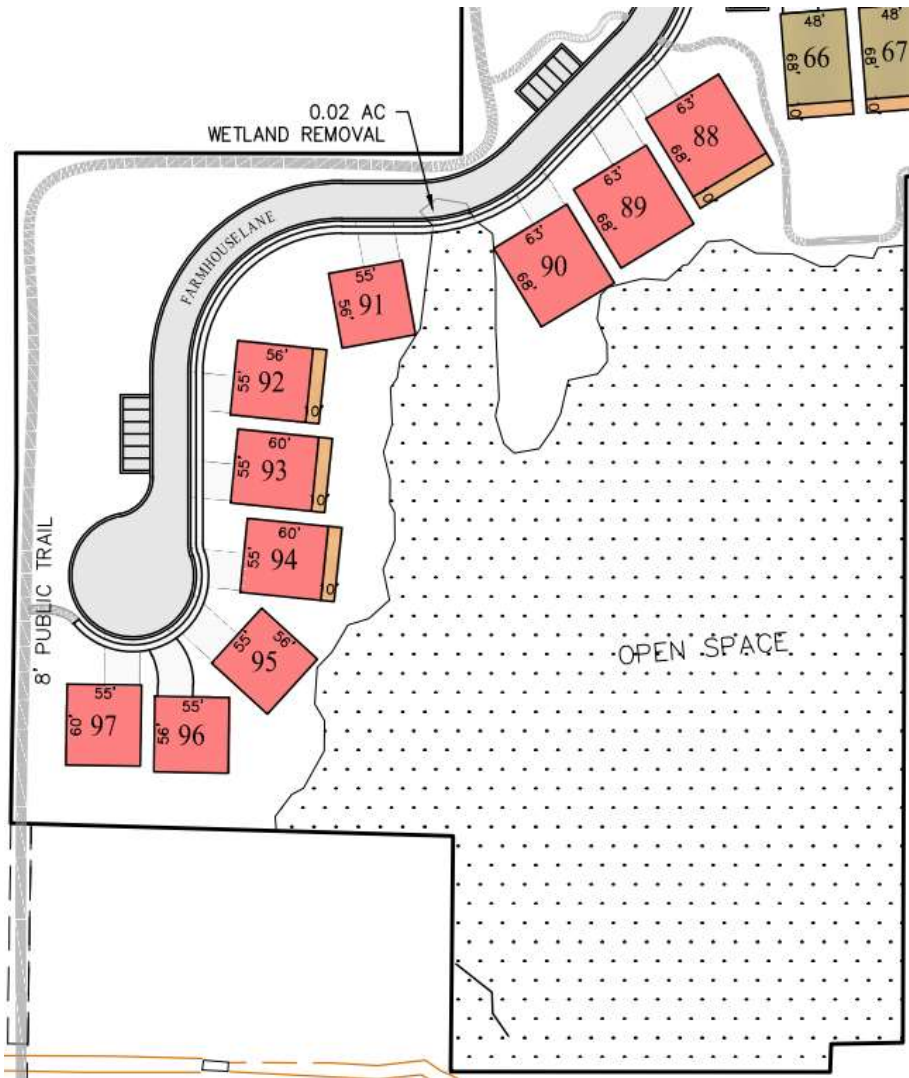
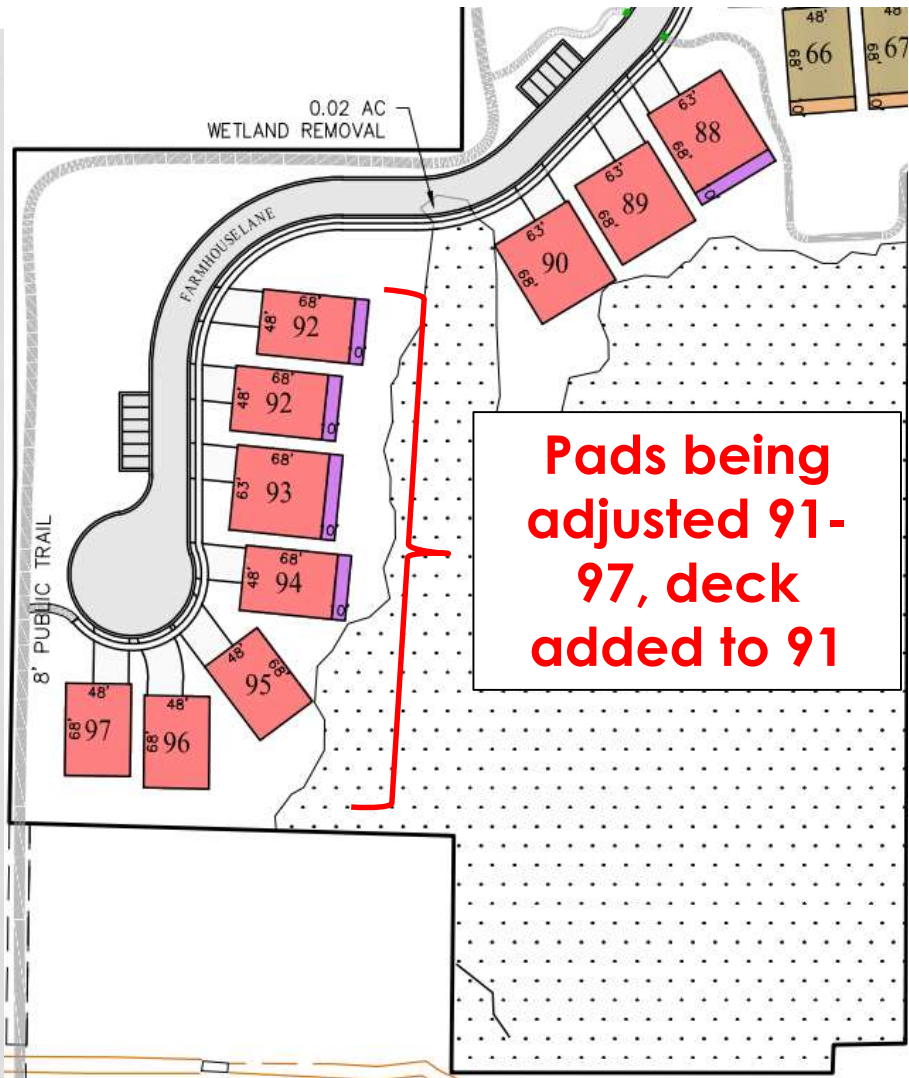


Exhibit 4

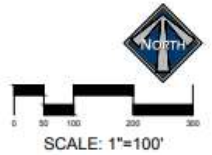
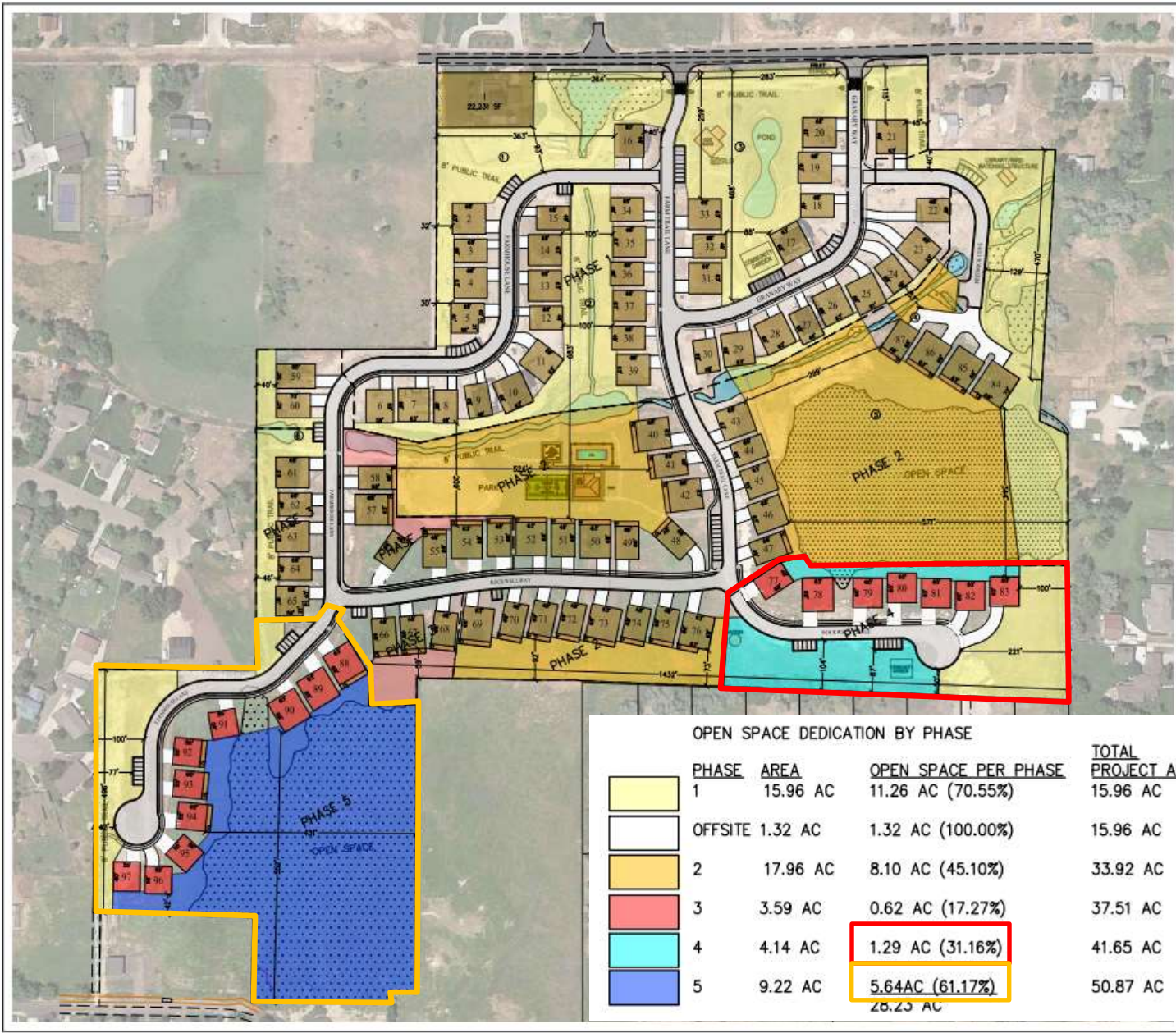


**Existing 2019
Master Plan**



**Proposed 2021
Master Plan**

Exhibit 5



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

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

TOTAL OPEN SPACE: ONSITE 26.91 AC (52.91%)
 OFFSITE 1.32 AC (2.62%)
 TOTAL 28.23 AC (55.51%) (NONE REQUIRED)

OPEN SPACE DEDICATION BY PHASE

PHASE	AREA	OPEN SPACE PER PHASE	TOTAL PROJECT AREA	TOTAL 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%)	50.87 AC	28.23 AC (55.51%)

OPEN SPACE NOTES:

TOTAL AREA: 50.87 ACRES
 PAD 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 (66.13%)

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 PLUS 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	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%)	50.87 AC	28.23 AC (55.51%)

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

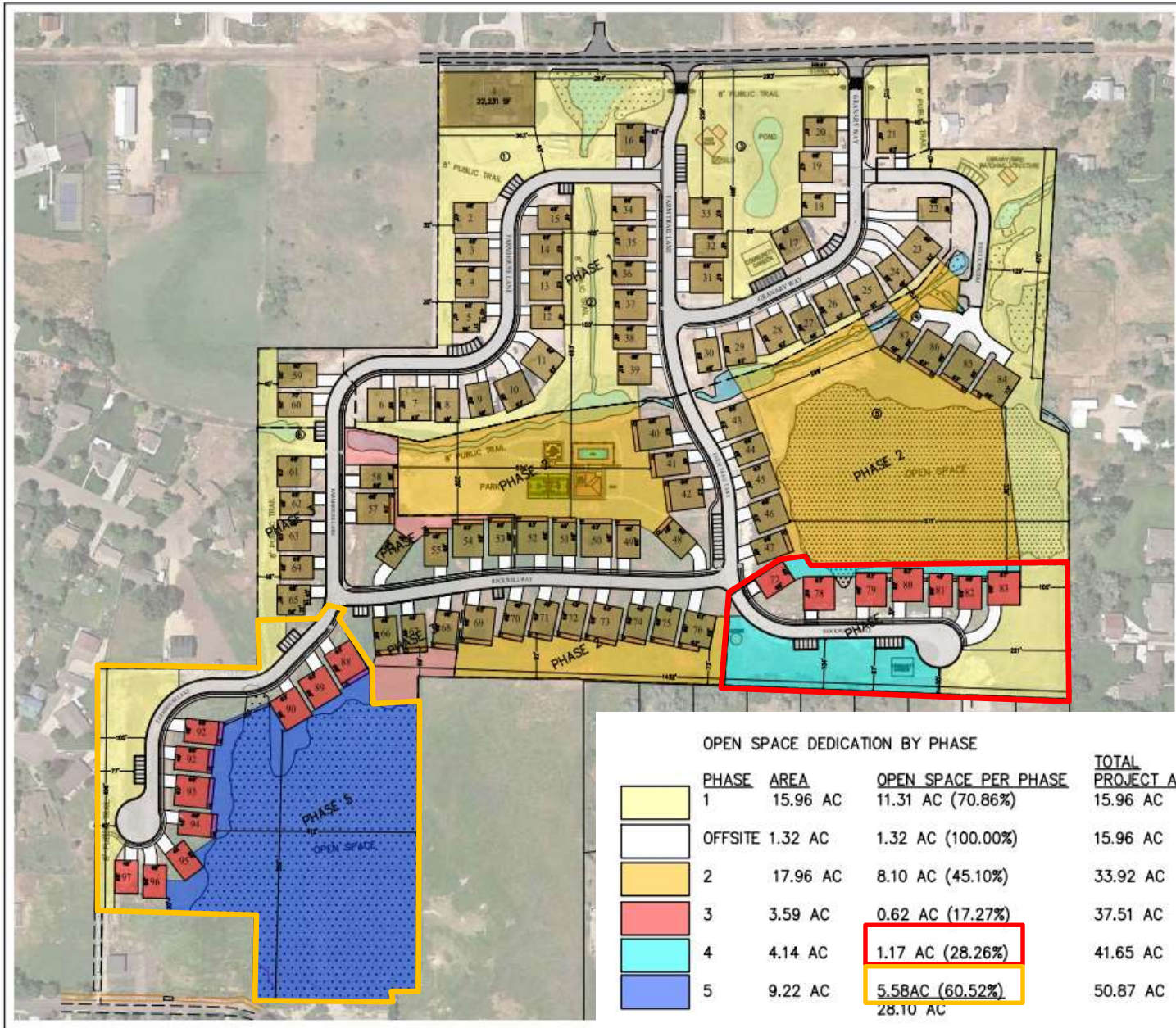
PAUL S. BIRD, P.E.
 SERIAL NO. 222222
 DATE: 28 APR 2021

WATTS ENTERPRISES
 REMUND FARMS
 APPROVED 2019
 OPEN SPACE PLAN

ENGINEERING
 300 E Main St, Suite 204
 Midway, UT 84049
 ph 435.657-9740

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

Exhibit 6



- 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 28.78 AC (52.44%)
 OFFSITE 1.32 AC (22.60%)
 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
 PAD AREA: 50.38 ACRES
 TOTAL OPEN SPACE: 28.16 ACRES (55.36%) OF ENTIRE DEVELOPMENT

OPEN SPACE IN A SINGLE OPEN SPACE AREA = 18.47 ACRES (66.13%)

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 PAD 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%)

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

PAUL S. BORG, P.E.
 SERIAL NO. 22528
 DATE: 28 APR 2021

WATTS ENTERPRISES
 REMUND FARMS
 OPEN SPACE PLAN
 AMENDMENTS 2021

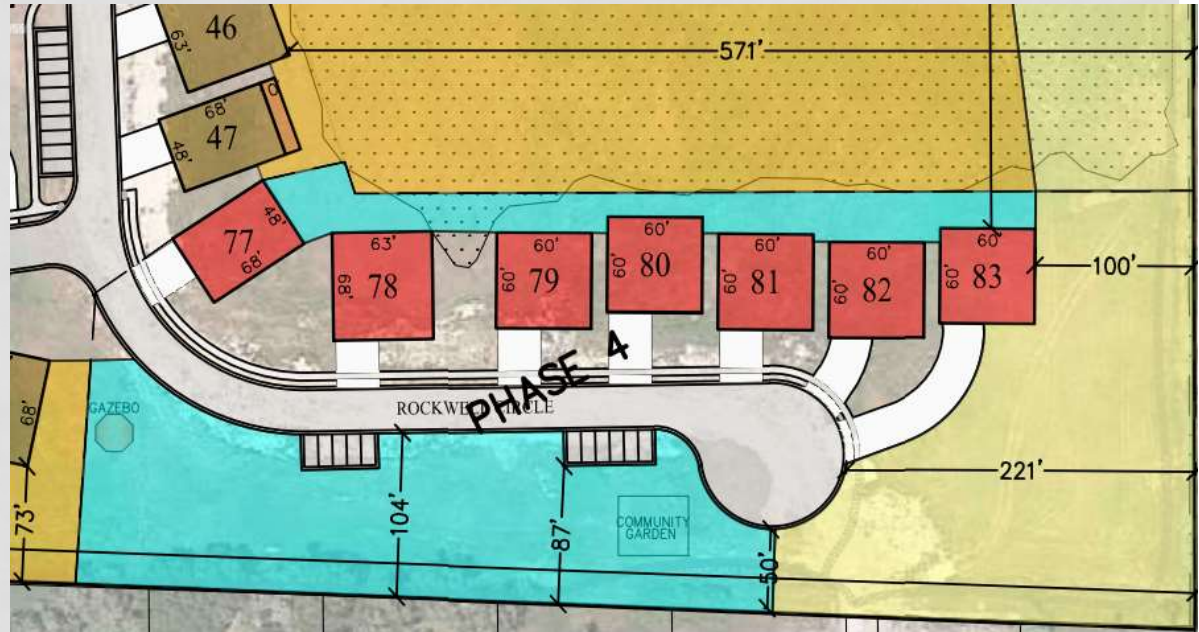
ENGINEERING
 380 E Main St, Suite 204
 Midway, IL 62449
 ph 435.657.9749

DESIGN BY: JPB DATE: 24 JUN 2021
 DRAWN BY: DEJ REV: 4

Overall open space decrease of 0.13 acres (0.27%)

Exhibit 7

Existing 2019 Master Plan



Proposed 2021 Master Plan

Setbacks to property lines remain the same

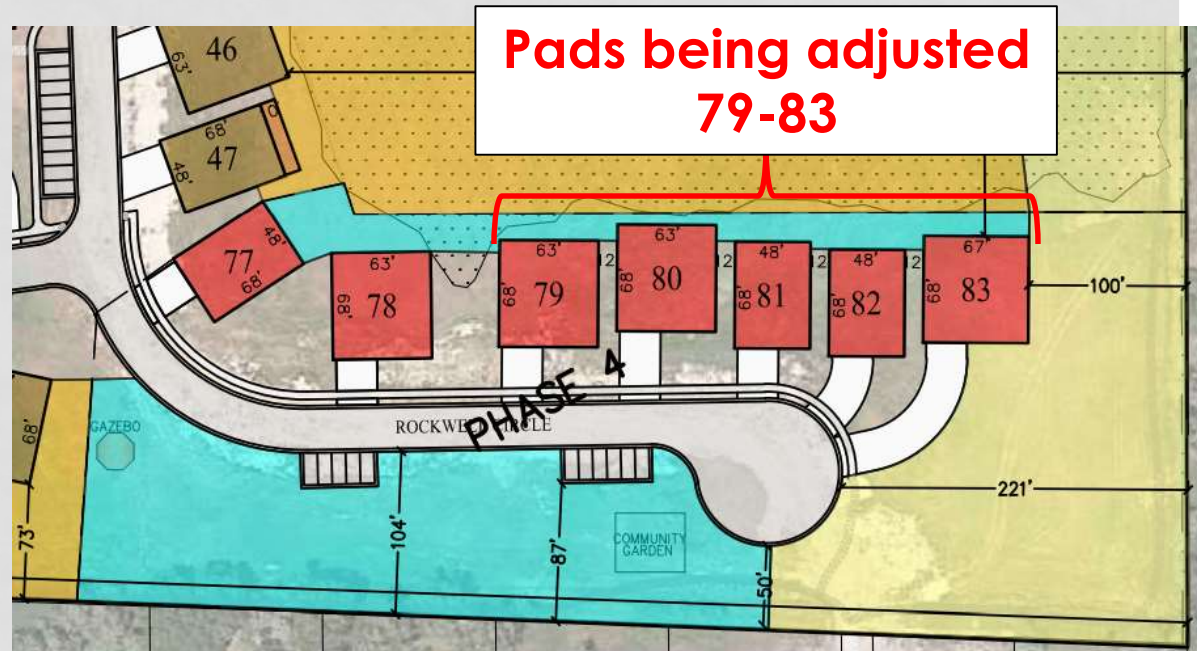
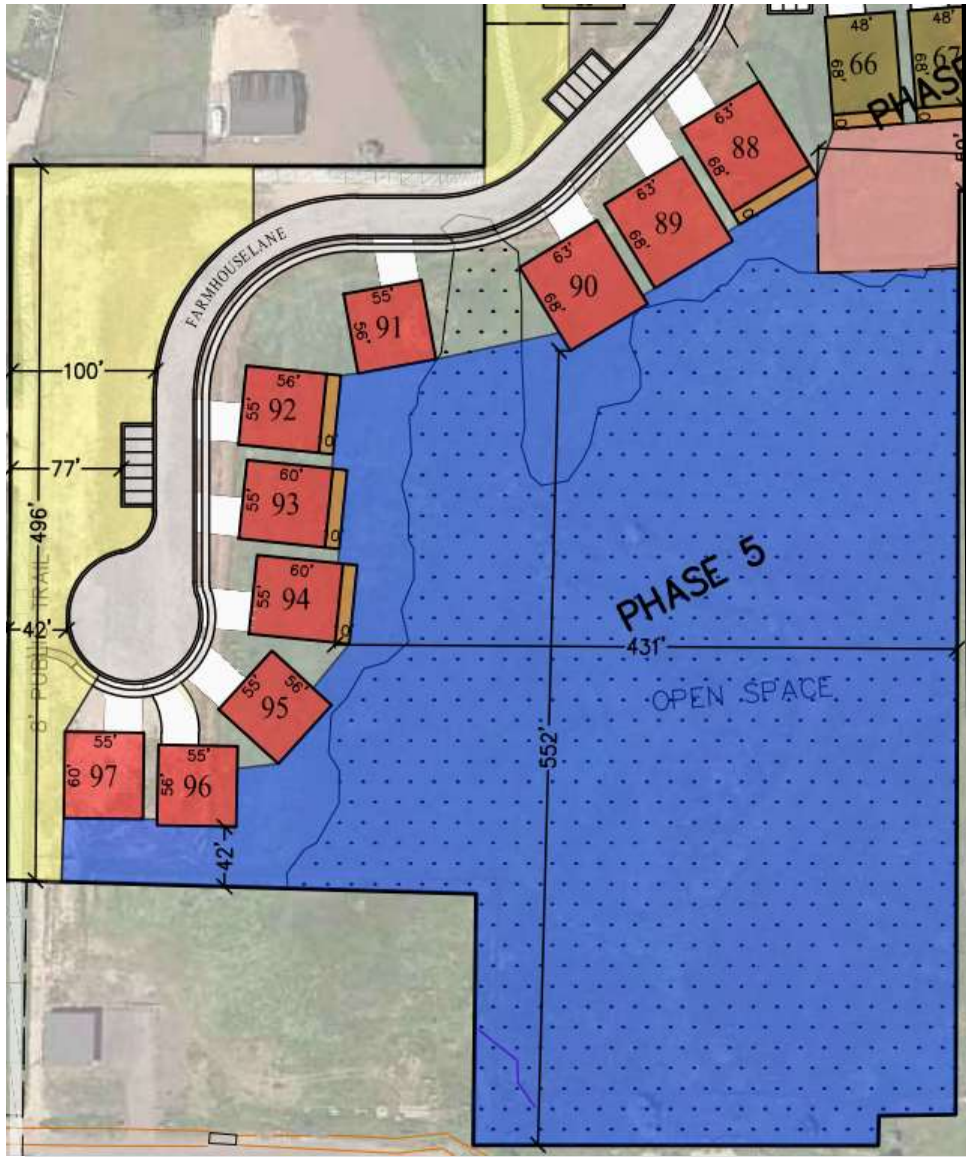
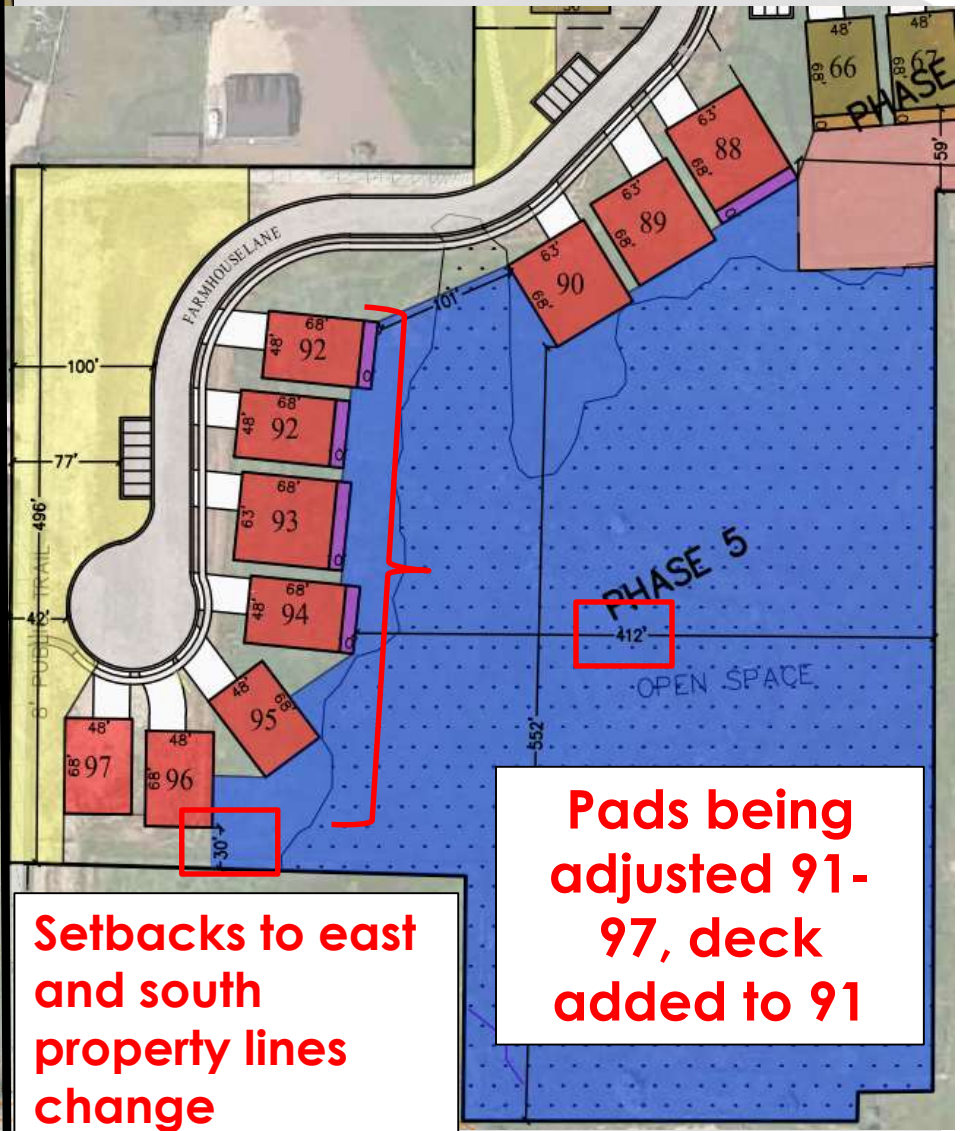


Exhibit 8



**Existing 2019
Master Plan**



**Setbacks to east
and south
property lines
change**

**Pads being
adjusted 91-
97, deck
added to 91**

**Proposed 2021
Master Plan**

Exhibit 9

Remund Farms Phase 4

10' asphalt trail,
5' shoulders

6' asphalt trail

300 North

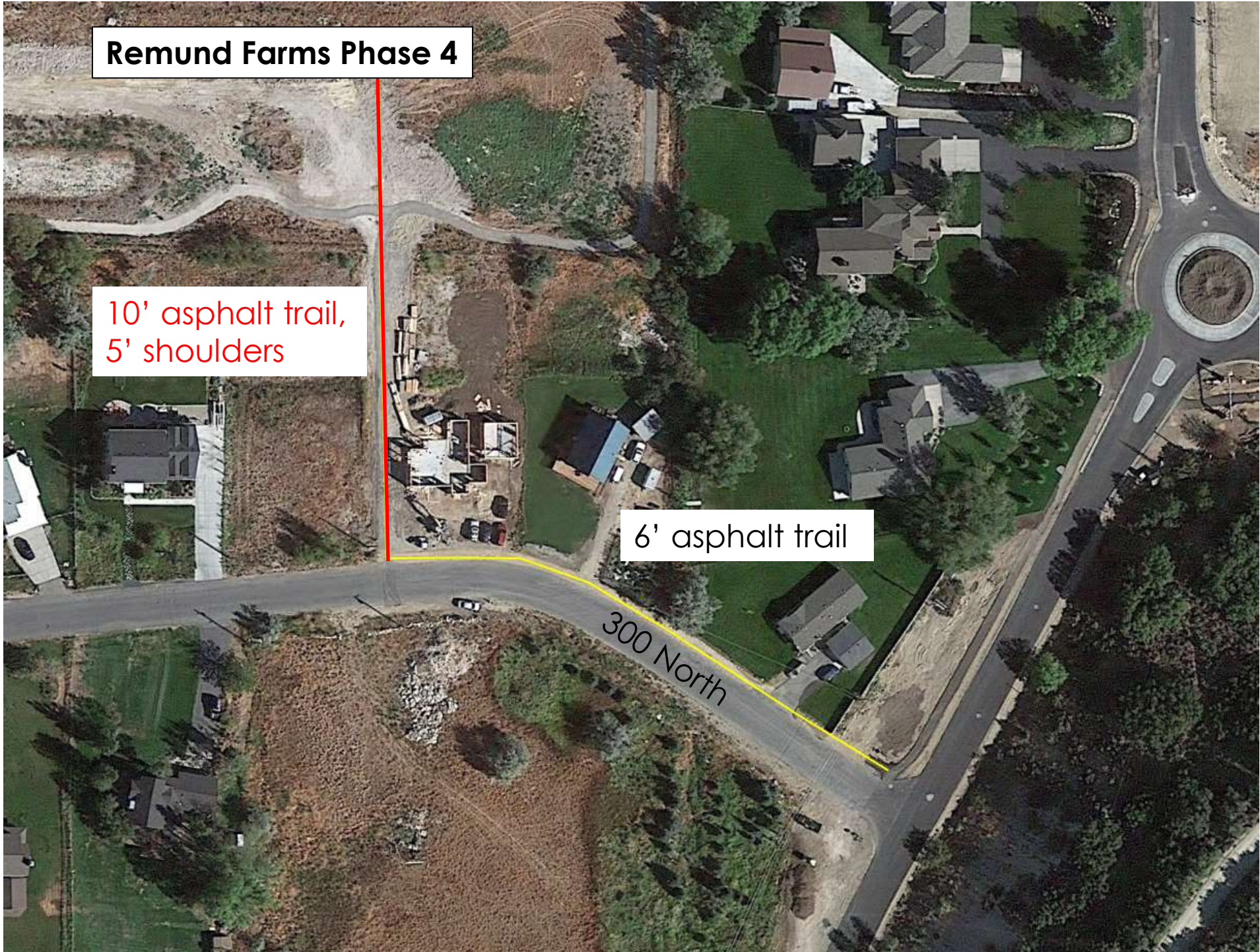
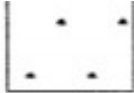

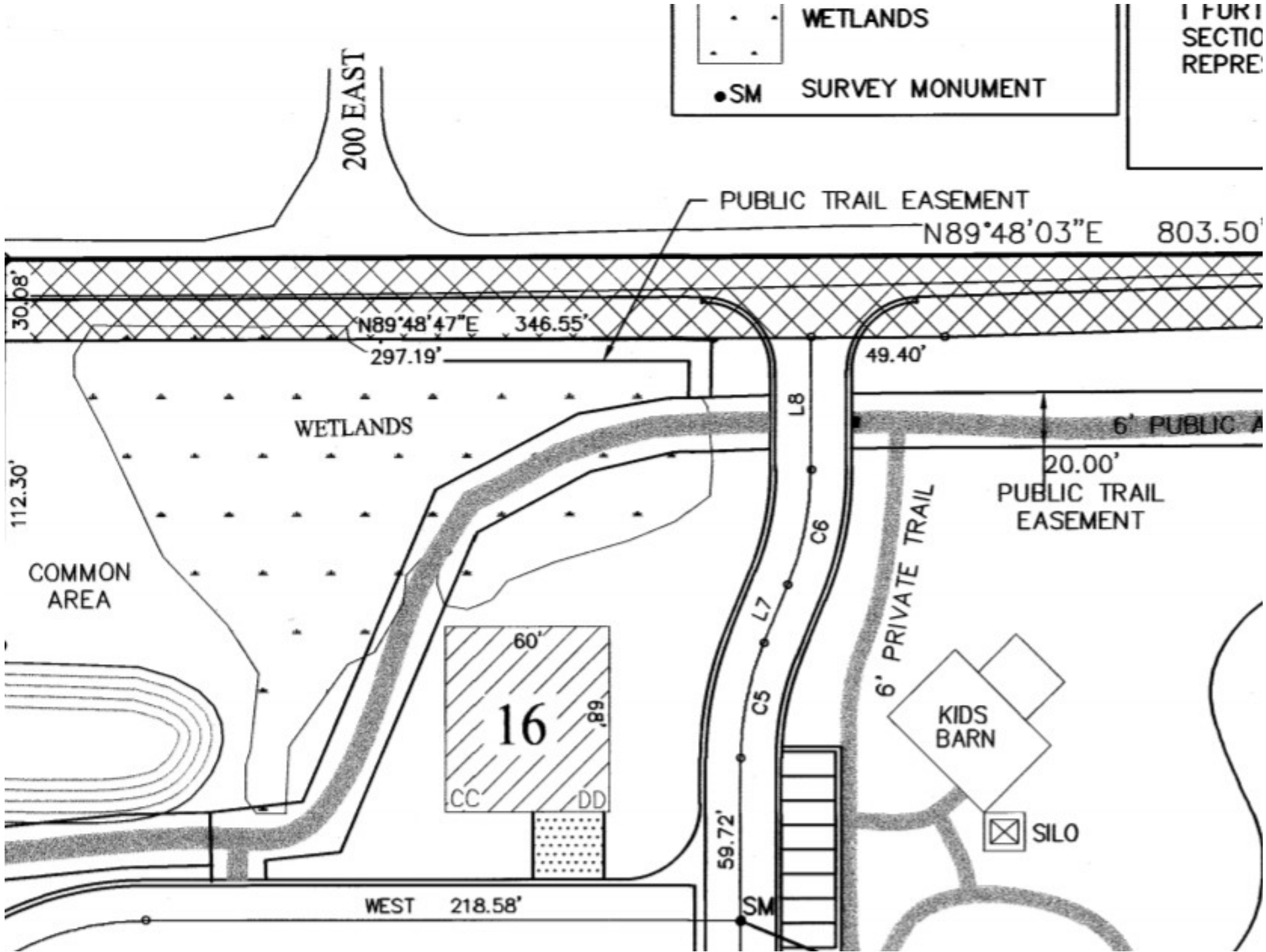


Exhibit 10

 WETLANDS
 SM SURVEY MONUMENT

I FUR I
 SECTION
 REPRE





200 East

600 North

10' asphalt trail

Exhibit 11

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.

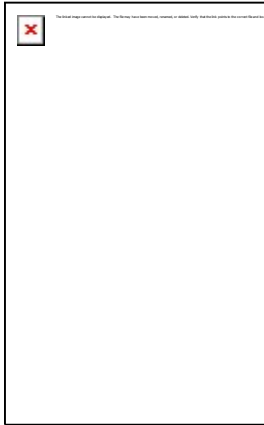
The other difference is the creation of a limited common area along the back of unit 91, similar to what was added to other units in the previous masterplan.

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



RESOLUTION 2021-27

A RESOLUTION OF THE MIDWAY CITY COUNCIL APPROVING A SECOND AMENDMENT TO THE WATTS REMUND FARMS MASTER PLAN AGREEMENT

WHEREAS, the Midway City Council is granted authority under Utah law to make agreements in the public interest and to further the business of Midway City; and

WHEREAS, the City Council deems it appropriate to adopt a second amendment to the master plan agreement for the Watts Remund Farms PUD.

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

Section 1: The attached Second Amended Master Plan Agreement for the Watts Remund Farm PUD is hereby approved and adopted.

Section 2: The Mayor is authorized to sign the document on behalf of Midway City.

PASSED AND ADOPTED by the Midway City Council on the day of 2021.

MIDWAY CITY

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, Recorder

(SEAL)

DRAFT

Exhibit A

DRAFT

**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 12 of the 17 pads located in Phases 4 and 5 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 with 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 7,840 square feet (0.18 acres) under the new adjustments. The adjustments decrease the total open space from 55.51% to 55.24%. Developer has provided an amended open space plan that complies with the 50% open space per phase requirement for the development. The open space will be common area owned by the HOA.

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 Phases 4 and 5, as well as when homes are constructed in Phases 4 and 5. 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 ten feet (10') wide. 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)(y) shall be added to read as follows: Additional Limited Common Area: There is a ten-foot (10') limited common area along the rear of certain building pads within the development. This limited common area shall be extended to one additional unit (Unit 91). The limited common areas allow for a roofless deck, garden, hot tub, fire pit, etc., or other nonstructural improvement. Pads that do not have a limited common area are not permitted to have some of these improvements. Decks with roofs, pergolas, additions to the dwelling or any other structure are not allowed in the limited common area because of City Code Section 16.16.8(A)(7), which does not allow structures outside of the building pads within PUDs.
7. 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 allowed 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. In Phase 5, a few of the setbacks from the units to the neighboring properties to the east and south have decreased: the setback to the east decreased from 431 feet to 412 feet. The setback to the south decreased from 42 feet to 30 feet.

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)
 :SS
COUNTY OF WASATCH)

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 _____,
2021, by _____, who executed the foregoing instrument in his capacity as the
_____ of the Developer, Midway Springs LLC Series II.

NOTARY PUBLIC