

Midway City Council  
20 September 2022  
Regular Meeting

Resolution 2022-34 /  
Watts Remund Farms  
Master Plan Agreement  
Third Amendment



**Midway**

**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** September 20, 2022

**NAME OF PROJECT:** Watts Remund Farms Planned Unit Development Phase 5

**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: 19**

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 location and building pad sizes in Phase 5 to match the building pad sizes in Phases 1 – 4. 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:**

This item was continued from the City Council meetings held on both September 7, 2021 and February 15, 2022. In those meetings the City Council considered a proposal to amend phases 4 and 5. The amendment would have adjusted the location and size of building pads on both phases. In the September 7<sup>th</sup> meeting, concerns were raised regarding the water table in the area around phase 5. Some neighbors expressed concern that, because of the infrastructure that was installed which included water and sewer lines in Watts Remund Farms, the water table had been affected and the table had risen on

properties located just south of Watts Remund Farms phase 5 including properties on both the north and south sides of 250 North. Because of this issue, the City Council approved the proposed changes to phase 4 on 2-15-2022 but the proposed changes to phase 5 have not been approved. The motion to continue phase 5 contained two specific conditions:

- 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.

To address the issue, a plan was devised to monitor the water table in the development and the surrounding area, and the City hired the well-respected water firm of Loughlin Water Associates to monitor the results. Per plan, the developer installed, at least, 25 piezometers (22 on-site and three off-site, located on the southside of 250 North). They also installed an equalization perforated pipe on Cathy Philpot's property located north of 250 North to drain the extra water in the area that was suspected to be caused from the installation of the infrastructure in the development. Since the installation of the equalization perforated drainpipe, the water table has stabilized to levels similar to preconstruction levels (see attached documents titled "Remund Farms Subdivision Groundwater Elevation Differential). Staff does have some concerns about the limited length of time that monitoring has occurred and the fact that Midway is in the middle of a 20+ year drought but the data does look promising, and neighbors have not voiced any concerns in recent months.

The following describes the proposed changes for phase 5:

Berg Engineering, agent for Midway Springs LLC Series II, is proposing a Master Plan amendment of the Remund Farms Planned Unit Development (PUD) phase 5 which would update the existing master plan for the last phase of the development. 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 footprint sizes for seven of the ten pads in the phase, 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.

- 9.22 acres in phase 5
- R-1-15 zoning

- Phase 5 contains 10 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 2,613.6 SF, or 0.06 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 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 will not change and will remain at 42’.

*Trails* – Phase 5 contains a section of trail that is part of the Midway’s Master Trail Plan. The trail has been constructed as a road base trail. This surface has been temporary allowed during construction of the development. This trail will need to be completed as an 8’ asphalt trail before the construction bond is released for phase 5.

**PROPOSED FINDINGS:**

- The proposed master plan appears to meet the requirements of the code
- The building pads for seven of the ten units will change in size creating an overall increase in building square footage and reduction in open space
- Some setbacks from the proposed building pads to the peripheral boundaries in phase 5 will decrease.
- One public trail will be paved as part of the subdivision. The trail 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

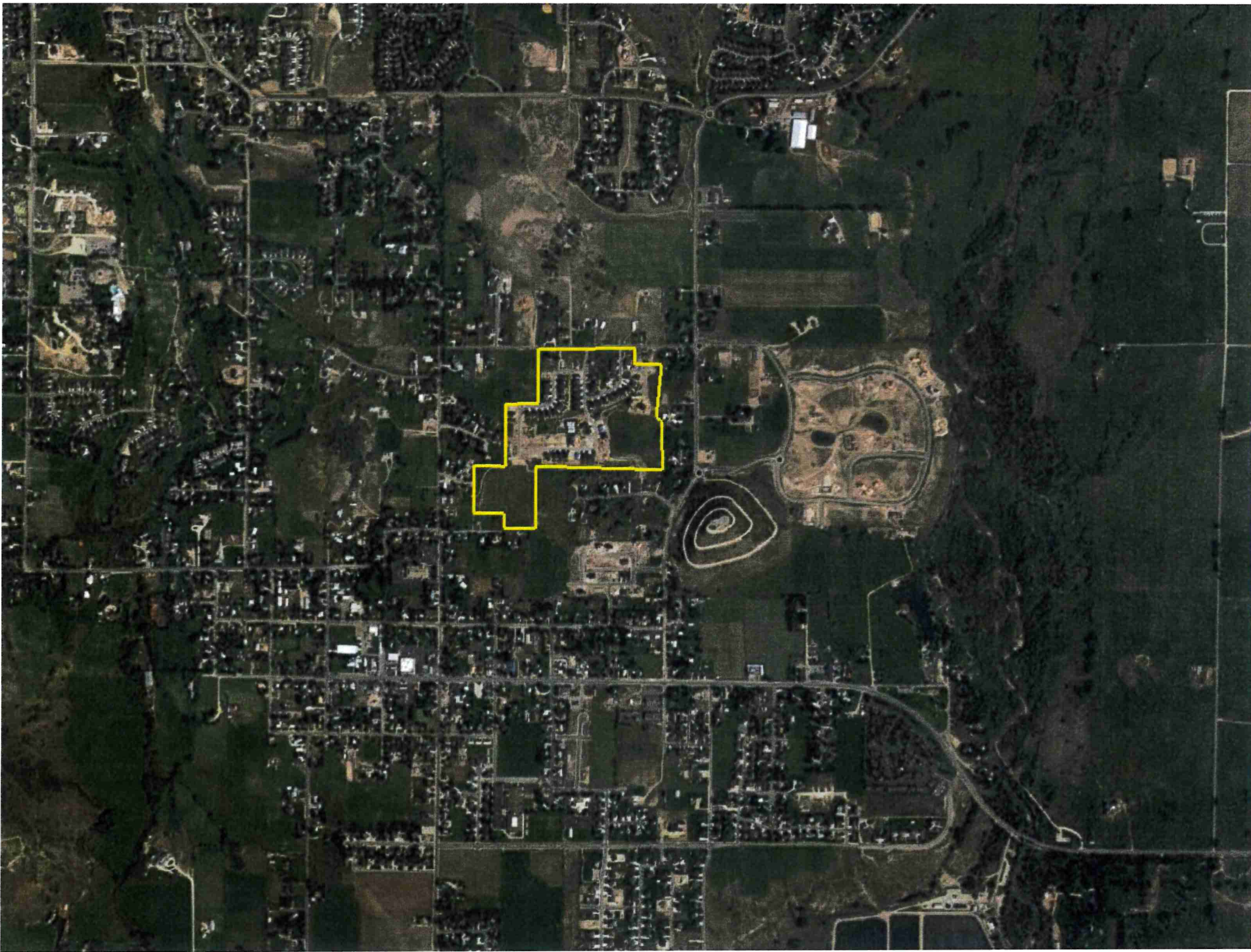
**Motion:** Passed

**ALTERNATIVE ACTIONS:**

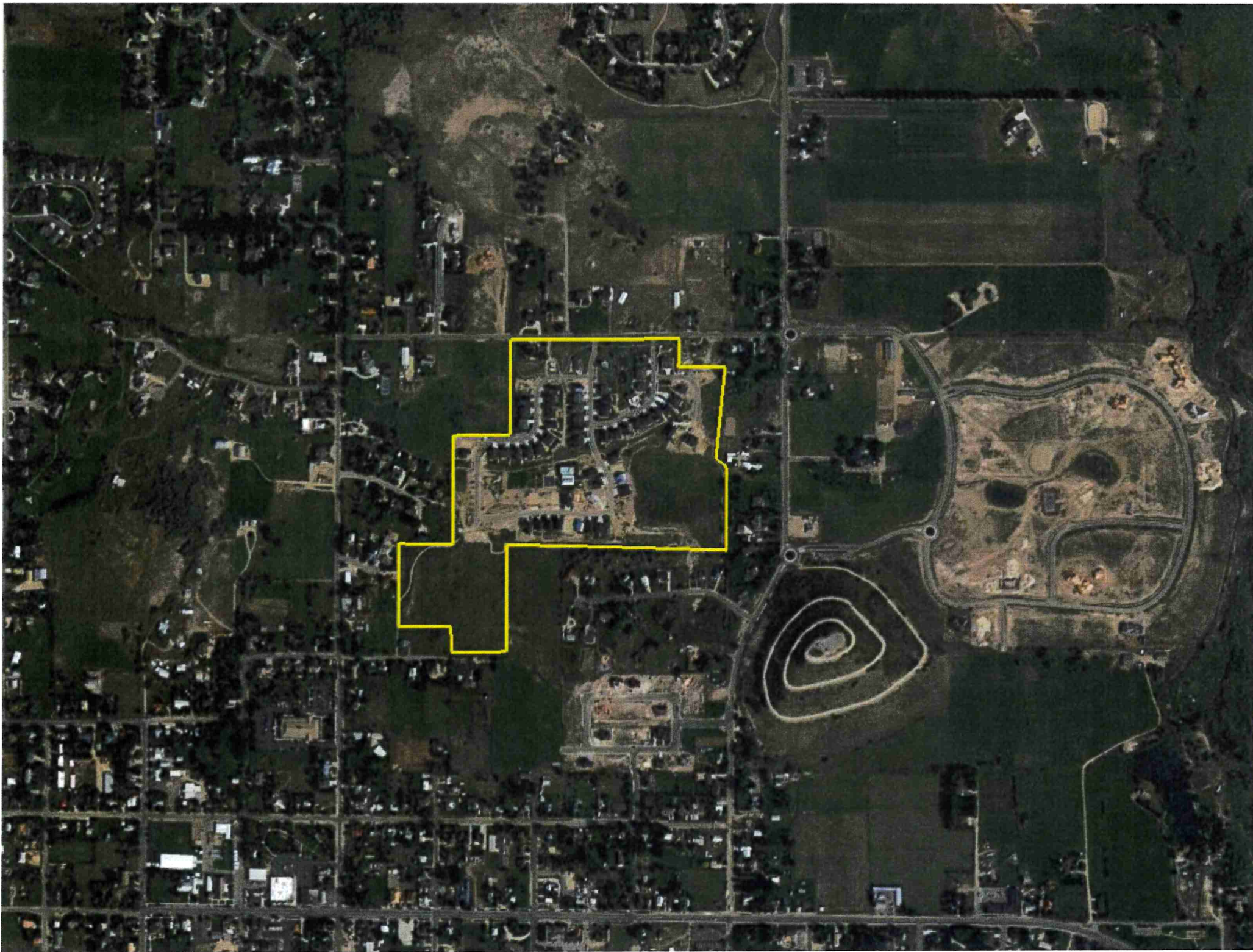
1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable addition to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  
2. Continuance. This action can be taken if the City Council would like to continue exploring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

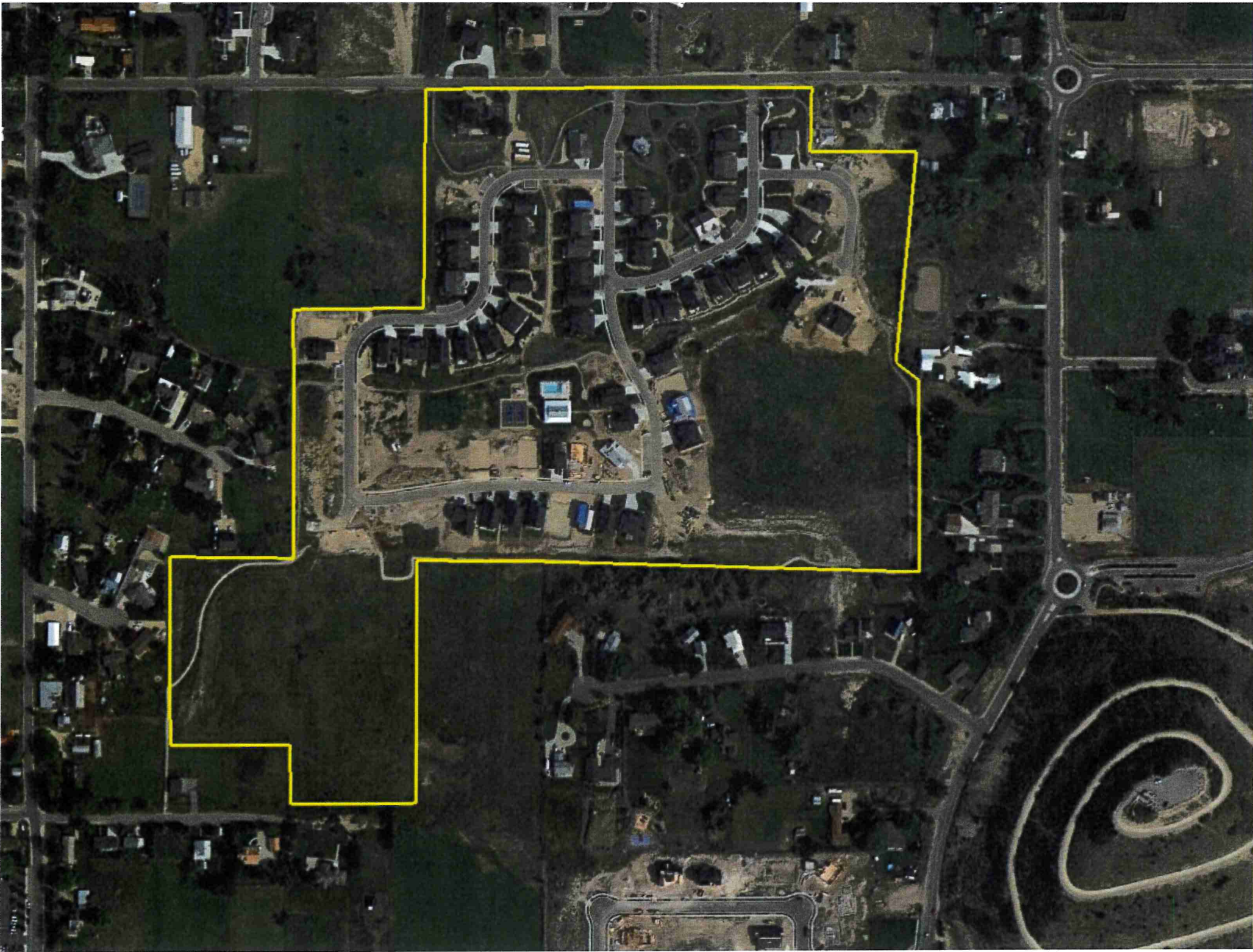
**PROPOSED CONDITIONS:**

1. The applicant will 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.
2. The developer will accept all liability for water table level variations associated with the development.



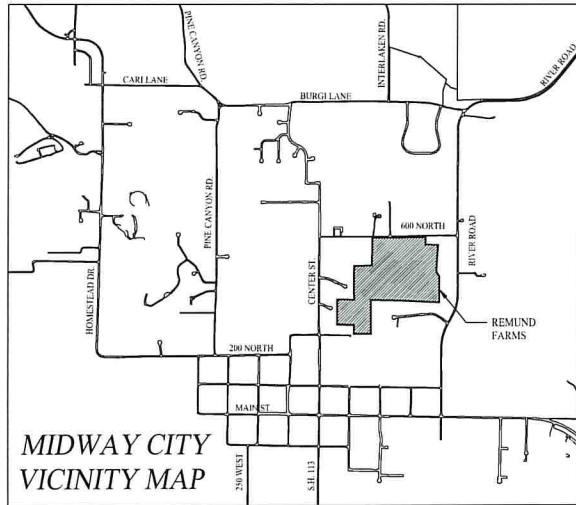






# REMUND FARMS P.U.D.

## MASTER PLAN AMENDMENT 2021



### SHEET INDEX

1. APPROVED 2019 MASTER PLAN
2. AMENDED MASTER PLAN 2021
3. APPROVED 2019 OPEN SPACE PLAN
4. AMENDED OPEN SPACE PLAN 2021

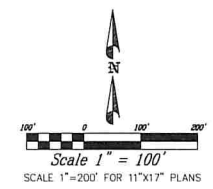
THIS DOCUMENT IS INCOMPLETE  
AND IS RELEASED TEMPORARILY  
FOR REVIEW ONLY. IT IS  
NOT INTENDED FOR CONSTRUCTION,  
BIDDING, OR PERMIT PURPOSES.

PAUL D. BOES P.E.  
SERIAL NO. 205505  
DATE: 28-JUN-2021

WATTS ENTERPRISES  
REMUND FARMS  
COVER SHEET



DESIGNED BY: PDB	DATE: 29/JUN/2021	SHEET
DRAWN BY: CSB	BY:	0



- LEGEND**
- WETLANDS
  - TRAIL
  - IMPROVED DITCH
  - RECORDED UNIT
  - FUTURE UNITS (BUILDING PAD)
  - 10' PRIVATE AREA-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 CC&R'S AND HDA 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 (REMAIN EX. HOME)
PUD UNITS	96 UNITS
TOTAL UNITS	97 TOTAL UNITS
DENSITY	1.91 PER ACRE
ONSITE OPEN SPACE	28.36 AC (55.75% OF ENTIRE)
OFFSITE OPEN SPACE	1.32 AC (2.59%)
TOTAL OPEN SPACE	29.68 AC (58.34% OF ENTIRE) (50% REQUIRED)

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

**PUD DENSITY CALCULATIONS**

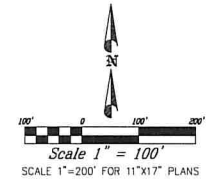
TOTAL PUD AREA	50.36 ACRES
WETLAND AND 25' BUFFER	13.39 ACRES
DENSITY FOR R-1-15 ZONE:	2.50 UNITS/ACRE
DENSITY FOR WETLANDS AND 25' BUFFER:	0.10 UNITS/ACRE
$2.50(50.36 - 13.39) + 13.39(0.10) = 93.74$	
ALLOWED PUD UNITS FOR THE PROPERTY	93.74
UNITS FOR OFFSITE OPEN SPACE TRANSFER	-2.26
TOTAL PUD UNITS ALLOWED FOR PROJECT	96.00

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

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

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.  
 PAUL A. BERG P.E.  
 SERIAL NO. 260295  
 DATE: 29 JUN 2021

WATTS ENTERPRISES REMUND FARMS	
APPROVED MASTER PLAN	
<b>BERG ENGINEERING</b> <small>388 E Main St. Suite 204 Midway, UT 84049 ph 435.657.9749</small>	
DESIGN BY: PDB	DATE: 29 JUN 2021
DRAWN BY: DLJ	REV: 1



- LEGEND**
- WETLANDS
  - TRAIL
  - IMPROVED DITCH
  - RECORDED UNITS-TYPE 1 BUILDING PAD
  - RECORDED UNITS-TYPE 2 PRIVATE AREA (SEE NOTE)
  - REMAINING PHASE-TYPE 1 BUILDING PAD
  - REMAINING PHASE-TYPE 2 PRIVATE AREA (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 CC&R'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 (REMUND EX. HOME)
PUD UNITS:	98 UNITS
TOTAL UNITS:	97 TOTAL UNITS
DENSITY:	1.91 PER ACRE
ONSITE OPEN SPACE:	27.33 AC (53.73% OF ENTIRE)
OFFSITE OPEN SPACE:	1.32 AC (2.60%)
TOTAL OPEN SPACE:	28.65 AC (56.32% OF ENTIRE)
	(50% REQUIRED)

**PUD UNIT FRONT SETBACK NOTE:**  
 16.16 B.S.C. THE CITY COUNCIL MAY WAIVE 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: 93.74  
 UNITS FOR OFFSITE OPEN SPACE TRANSFER: 2.28  
 TOTAL PUD UNITS ALLOWED FOR PROJECT: 96.00

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

**MIDWAY 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.

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

PAUL B. BERG P.E.  
 SEAL NO. 388892  
 DATE: 13 SEPTEMBER 2021

**REVISIONS NOTE: - 9-13-2021**  
 UNITS 91-97 HAVE BEEN ADJUSTED TO ADDRESS CITY COUNCIL COMMENTS FROM 9-7-2021 TO PROVIDE A 42" SETBACK FOR THE PHILPOT PROPERTY.

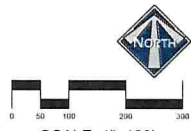
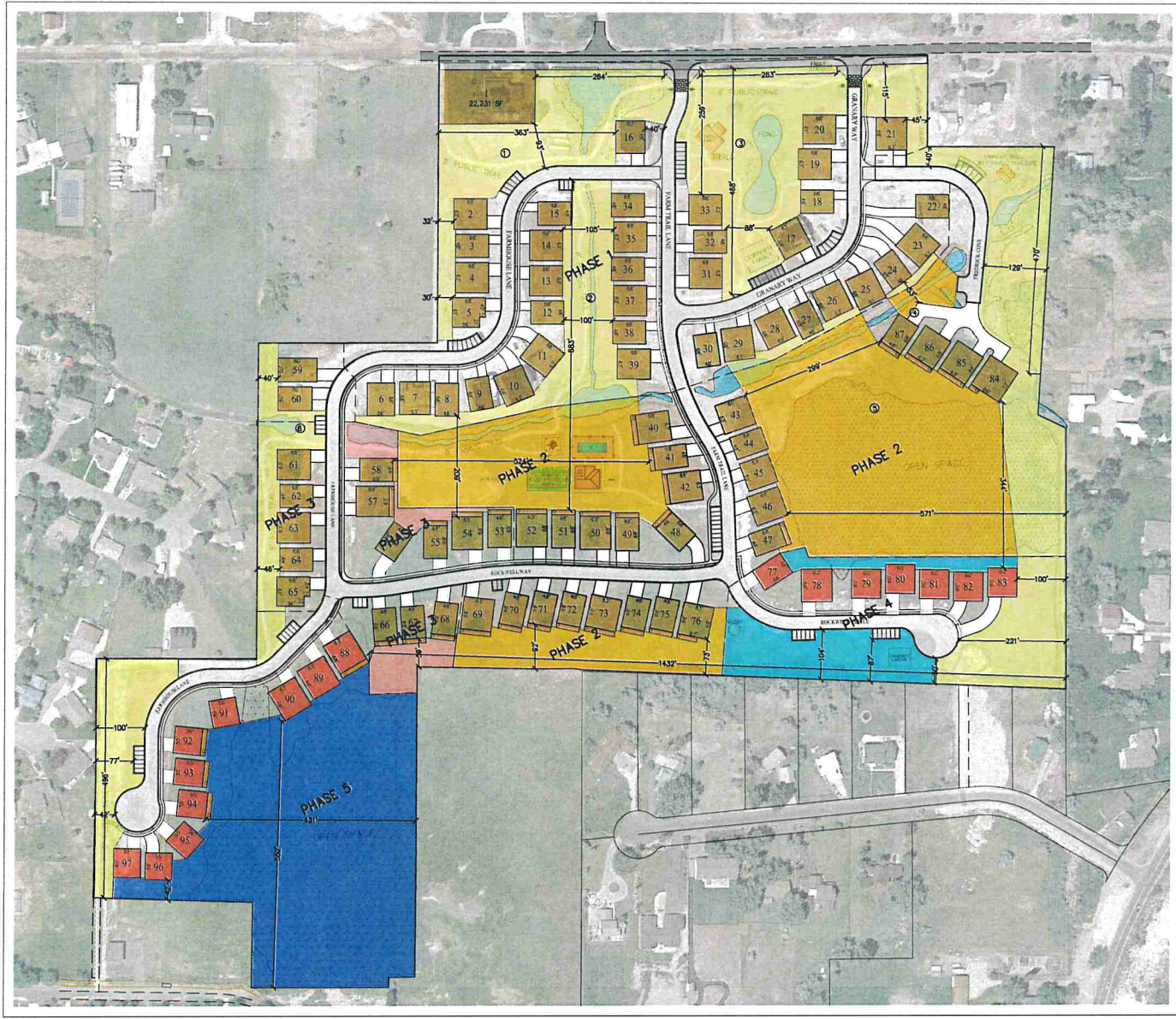
WATTS ENTERPRISES  
 REMUND FARMS  
 MASTER PLAN  
 AMENDMENT 2021

BERG ENGINEERING  
 380 E. Main St., Suite 204  
 Midway, IA 50459  
 ph 435.657.9749

DESIGN BY: PDB DATE: 29 JUN 2021 SHEET: 2  
 DRAWN BY: RHH REV: 13 SEP 2021



DATE: 13 SEP 2021 11:52 AM  
 PROJECT: REMUND FARMS MASTER PLAN AMENDMENT 2021  
 DRAWN BY: RHH  
 CHECKED BY: PDB  
 SCALE: 1" = 100'  
 SHEET: 2 OF 2



- 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 (52.91%)  
 OFFSITE 1.32 AC (2.55%)  
 TOTAL 28.23 AC (55.41%) (50% REQUIRED)

**OPEN SPACE DEDICATION BY PHASE**

PHASE	AREA	OPEN SPACE PER PHASE	TOTAL PROJECT AREA	TOTAL OPEN SPACE
1	15.98 AC	11.28 AC (70.55%)	15.98 AC	11.28 AC (70.55%)
2	17.98 AC	8.10 AC (45.10%)	33.92 AC	20.88 AC (60.97%)
3	3.59 AC	0.82 AC (22.78%)	37.51 AC	21.30 AC (56.78%)
4	4.14 AC	1.28 AC (31.16%)	41.85 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  
 PUB 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 (55.13%)

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 PUB REQUIREMENT.

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

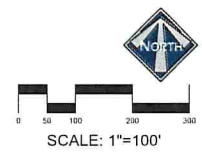
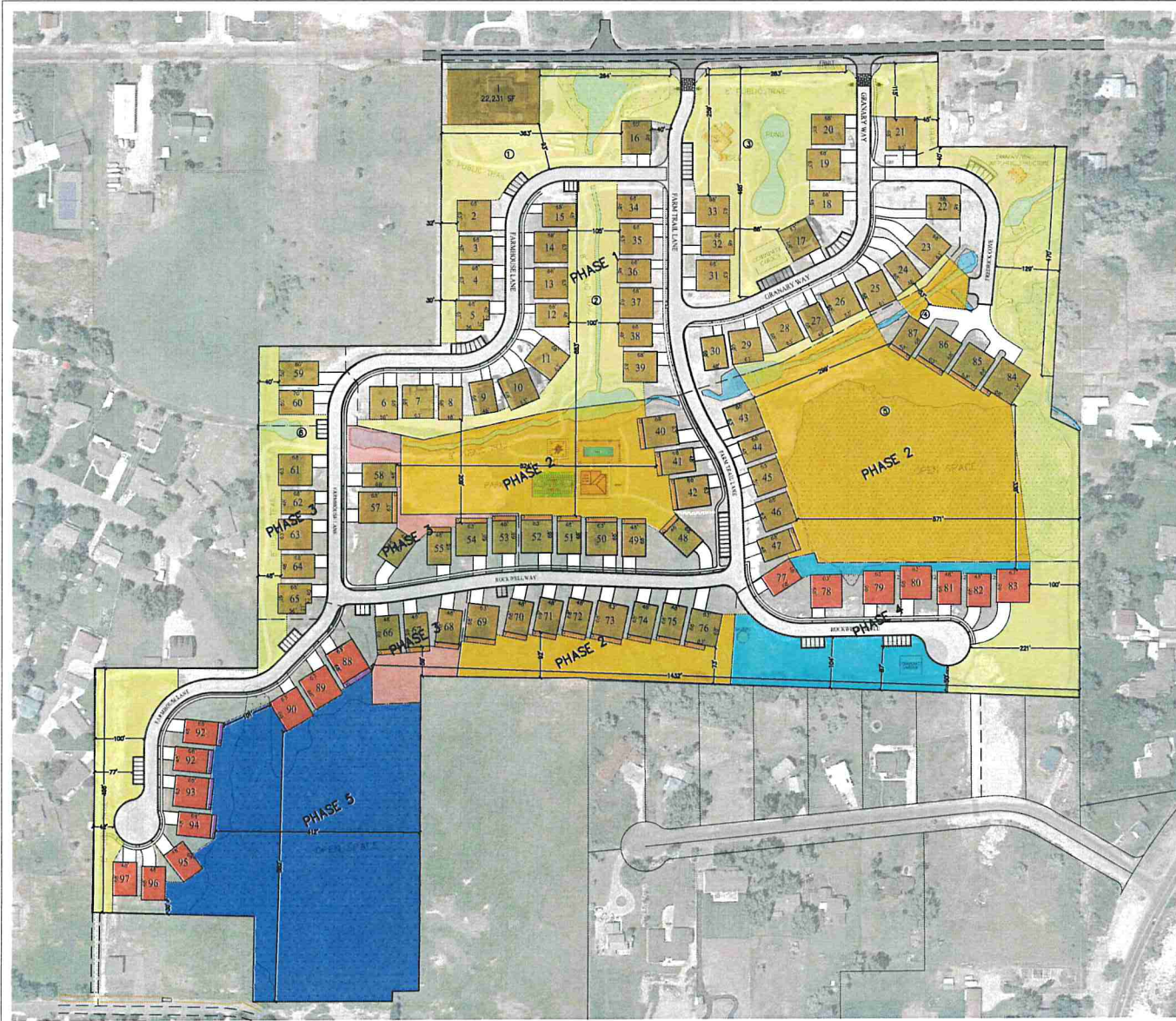
PAUL D. BURG P.E.  
 SERIAL NO. 292093  
 DATE: 23 JUN 2021

WATTS ENTERPRISES  
 REMUND FARMS  
 APPROVED 2019  
 OPEN SPACE PLAN



200 E. Main St, Suite 204  
 Midway, IL 60059  
 ph 435.657.9749

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



- 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:**  
 PERIMETRY - 40' MINIMUM  
 INTERIOR - 100' MINIMUM

**TOTAL OPEN SPACE:**  
 ONSITE 26.78 AC (52.81%)  
 OFFSITE 1.32 AC (2.60%)  
 TOTAL 28.10 AC (55.24%) (50% REQUIRED)

OPEN SPACE DEDICATION BY PHASE			TOTAL PROJECT AREA	TOTAL PROJECT OPEN SPACE
1	15.96 AC	11.31 AC (70.80%)	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	17.98 AC	8.10 AC (45.10%)	33.92 AC	20.73 AC (61.15%)
3	3.59 AC	0.62 AC (17.27%)	37.51 AC	21.35 AC (56.92%)
4	4.14 AC	1.17 AC (28.28%)	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  
 PUD AREA: 50.36 ACRES  
 TOTAL OPEN SPACE: 28.10 ACRES (55.36%) OF ENTIRE DEVELOPMENT

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

SECTION 16.18.11.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.

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

PAUL S. BERG, P.E.  
 SERIAL NO. 292582  
 DATE: 28 JUN 2021

WATTS ENTERPRISES  
 REMUND FARMS  
 OPEN SPACE PLAN  
 AMENDMENTS 2021

**BERG ENGINEERING**  
 260 S. ROAD 55, SUITE 204  
 MIDWAY, UT 84049  
 PH 435.657.9749

DESIGN BY: PFB  
 DRAWN BY: DEJ  
 DATE: 24 JUN 2021  
 REV: \_\_\_\_\_

SHEET 4



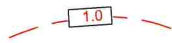
**KEY**

- 14 0.50
- 15 0.67

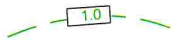
? - Queried Where Uncertain

Piezometer Location, ID, and Elevation Differential in feet.

Red Location Indicates Piezometer Installed in 2016.  
Blue Location Indicates Piezometer Installed in 2018.



Contour Interval in Feet of Increase (Rising Water Level in Red) or

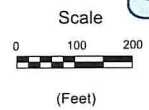
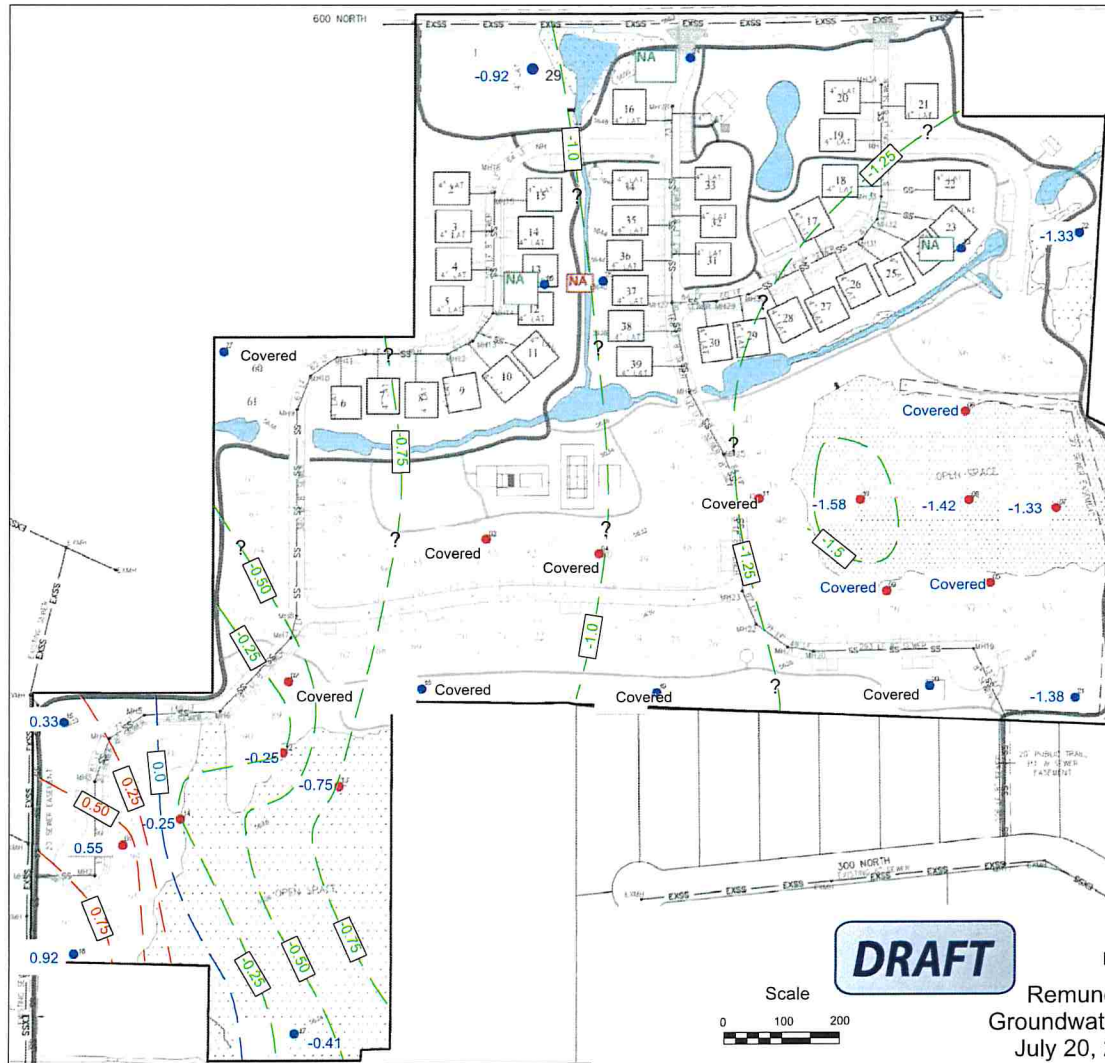


Contour Interval in Feet of Decrease (Falling Water Level in Green)

NA - Piezometer covered or no longer accessible



BASE MAP : Horrocks Engineers

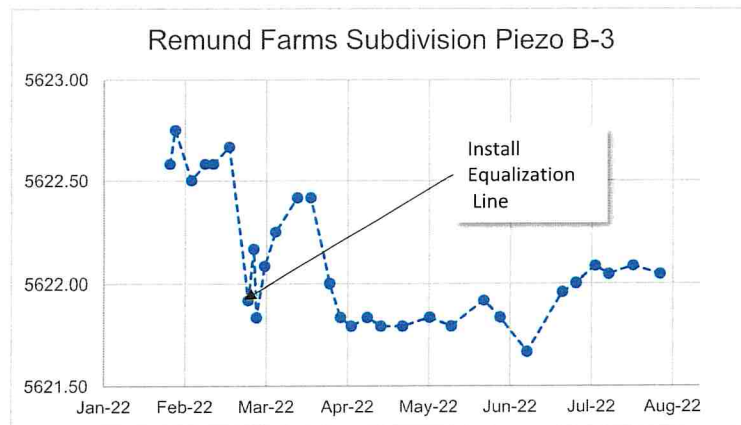
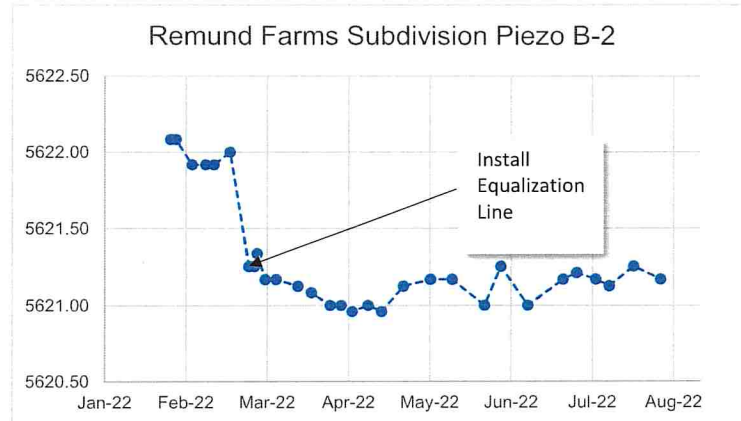
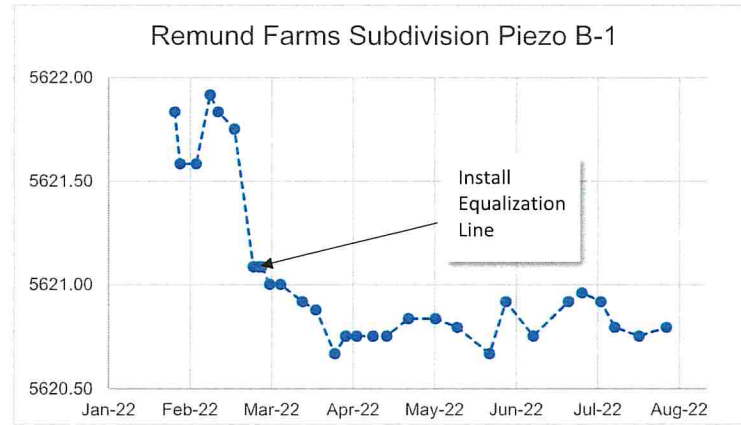


**DRAFT**

Horrocks Engineers  
Remund Farms Subdivision  
Groundwater Elevation Differential  
July 20, 2018 to July 15, 2022

Figure 1





\*Elevations estimated



**DRAFT**

Figure 2  
250 North Piezometers



Midway

## **RESOLUTION 2022-34**

### **A RESOLUTION APPROVING A THIRD 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**, the developer applied to amend the master plan a second time in September 2021 regarding Phases 4 and 5, but ultimately decided to address the changes to Phase 5 at a later date; and

**WHEREAS**, the developer now desires to address the changes to Phase 5, and the Midway City Council has reviewed the proposed amendments to the master plan and they appear to meet Midway City Land Use Code requirements; and

**WHEREAS**, the Midway City Council is exercising its discretion in accepting the terms of amendments to the master plan regarding Phase 5 of the development.

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

Section 1: The Midway City Council approves the third 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

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

This Third 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 Agreement for the first time on October 1, 2019.
- C. The Developer applied to amend portions of the Agreement pertaining to Phases 4 and 5 in September 2021, but ultimately decided to address the changes to Phase 5 at a later date.
- D. As set forth below, the Parties are now prepared to address the changes to Phase 5 and desire to amend certain portions of the Master Plan Agreement to do so.

**AGREEMENT**

- 1. Developer desires to revise the location and building pad sizes of seven of the ten pads in Phase 5 to match the building pad sizes in Phases 1-4. This will allow for the construction of homes that are currently being built in the earlier phases. The subdivision is on 13.32 acres and is located at 400 North Farm Hill Lane in the R-1-15 zone.
- 2. The Third Amendment to the Master Plan Agreement does not impact the road layout for Phase 5 and complies with traffic circulation requirements and cul-de-sac lengths allowed by the City Code.
- 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 1 must have at least 50% open space, but if it had 75% open space, then Phase 2 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 2,613.6 square feet (0.06 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.

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 5, as well as when homes are constructed in Phase 5.
  
5. Section 4(A)(ii)(s) is amended to read as follows: Trails: As a condition for the approval of this second Master Plan Amendment, Developer must:
  - a. Pave the road base trail that was previously installed from the corner of River Road and Swiss Paradise Lane and a road base trail 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 six foot (6') wide road base trail.
  - 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. The City will design the trail located along 600 North and connecting to 200 East as it deems fit.
  - c. Phase 5 contains a section of trail that is part of the Midway Master Trail Plan. The trail has been constructed as a road base trail. This surface has been temporarily allowed during construction of the development. This trail must be completed as an eight foot (8') asphalt trail before the construction bond is released for Phase 5.
  
6. Section 4(A)(ii)(z) shall be amended to read as follows: Setbacks to Neighboring Properties: Within the development, current building setbacks from the peripheral boundary vary as approved in the April 2019 Master Plan. The project is vested under a

previous code requirement that allows for a thirty foot (30') building setback from the peripheral boundary. 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' to 412'. The setback to the south will not change and will remain at 42'.

7. 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. The limited common area shall also be added to Unit 91. The limited common areas allow a roofless deck, garden, hot tub, fire pit, etc. or other nonstructural improvements. Pads that do not have a limited common area cannot have some of these improvements. Decks with roofs, pergolas, additions to the dwelling, or any other structure are not allowed in the limited common areas because City Code Section 16.16.080(A)(7) does not allow structures outside of the building pads in PUDs.

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 \_\_\_\_\_, 2022, 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

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