



Midway

RESOLUTION

2025-05

**A RESOLUTION ADOPTING THE CONDITIONS OF APPROVAL
FOR THE KASTLE COURT SUBDIVISION**

WHEREAS, Utah law authorizes municipalities to adopt conditions for the use and development of land within the municipality; and

WHEREAS, the Midway City Council finds it in the public interest of the City of Midway to adopt conditions for the use and development of the land included within the proposed Kastle Court Subdivision;

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

Section 1: The Midway City Council approves the conditions attached hereto and authorizes the Mayor of Midway City to execute the Resolution 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 January, 2025.

MIDWAY CITY

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

KASTLE COURT SUBDIVISION CONDITIONS OF APPROVAL

Section 1. Background

John Ace Money, representative for Pine Canyon Development LLC, has submitted a final application for a large-scale subdivision to be known as Kastle Court. The final plan includes seven lots on 4.65 acres.

The property is in the R-1-15 zone (2 proposed lots on approximately 1.62 acres) and R-1-22 zone (5 proposed lots on approximately 3.03 acres) at approximately 800 Pine Canyon Road. The seven lots will obtain frontage along a new road built within the subdivision with one becoming a corner lot that will also have frontage on Pine Canyon Road. All of the proposed lots comply with the code requirements regarding frontage, width, and acreage for the zone in which each is located.

The proposed subdivision covers two parcels (OMI-0219-1 and OMI-0223-1). The existing land uses on the property include a tree nursery, storage of various items, and fallow land. There is also a substantial amount of earthen fill that has been deposited on the property.

The property is adjacent on the south with the LaBarge Subdivision (under construction), Swiss Farms on the east, and Midway Farms on the northeast. There are other dwellings on parcels not associated with subdivisions on the north and west across Pine Canyon Road.

Section 2. Conditions of Approval

- I. Conditions for Current Approvals: The Developer shall comply with all of the following Conditions:
 - a) General Obligations: The Parties acknowledge and agree that the City's agreement to perform and abide by the covenants and obligations of the City set forth herein is conditioned upon and in material consideration of the Developer's agreement to perform and abide by the covenants and obligations of the Developer set forth herein.
 - b) Construction and/or Dedication of Project Improvements: The Developer agrees to construct and/or dedicate Project improvements as set forth below as directed by the City, including but not limited to, driveways, landscaping, water, sewer, and other utilities as shown on the approved final plans and in accordance with current City standards. The Developer shall satisfactorily complete construction of all Project improvements no later than two (2) years after the recording of the plat for the Project. All costs associated with the Project improvements shall be borne by the Developer. The Developer also agrees to comply with the terms of the Midway City Staff Report, as approved and adopted by the Midway City Planning Commission and as accepted by the Midway City Council, attached hereto and incorporated herein by this reference.

- c) Payment of Fees: Developer agrees to pay all applicable Midway City fees as a condition of developing the Project on the Property, including all engineering and attorney fees and other outside consultant fees incurred by the City in relation to the Project. All fees shall be paid current prior to the recording of any plat or the issuance of any building permit for the Project or any portion thereof.
- d) Duration of Final Approval: The duration of final approval shall be for one (1) year from the date of final approval of the Project by the Governing Body. Should a final plat not be recorded by the County Recorder within the one-year period, the development's approval shall be voided, and both preliminary and final approvals must be re-obtained, unless, on a showing of extenuating circumstances, the Governing Body extends the time limit for plat recording, with or without reasonable conditions.
- e) Water Rights and Water Service: The required water rights for the culinary and secondary water for the Project shall be officially transferred to the City in writing before the recording of the plat for the Project. The water rights provided by the Developer shall meet all City policies and ordinances for culinary and secondary use. Culinary water service shall be provided by the City according to the rules, regulations and requirements of the City. The total quantity of water rights to be dedicated to the City for the entire Project, for both culinary and secondary use, is 13.22 acre feet.
- f) Access: Access will be from Pine Canyon Road. A second access is not required because the cul-de-sac is less than 1,300 feet in length and there are not more than 11 lots in the subdivision. The new road will create a three-way intersection on Pine Canyon Road.
- g) Geotechnical Study: A geotechnical study is required and has been submitted to the City and is available for review in the Planning Office. This is a standard requirement whenever any new roads are built in a development. A copy of the entire report is available in the Planning Office for review.
- h) Sensitive Lands: The applicant has not identified any sensitive lands on the property and staff is not aware of any sensitive lands on the property.
- i) Water Connection: The lots will connect to water lines that will be built by the Developer and connect to the City's water lines along Pine Canyon Road.
- j) Sewer Connection: The lots will connect to Midway Sanitation District's sewer lines located in the area.
- k) Secondary Water Connection: The lots will connect to Midway Irrigation Company's secondary water system, which is already servicing the property. Laterals will be created for all seven lots. Secondary water meters are required for each lateral.

- l) Trails: The Midway City Trail System Master Plan shows an attached asphalt bike trail along both sides of Pine Canyon Road. Staff is proposing that the funds to build the bike lanes be added to the general trails fund and that the bike lane be completed in the future as part of a larger improvement project that will complete the bike lanes along the entirety of Pine Canyon Road where the bike lanes are planned. Staff is recommending that the developer contribute \$6,825 (175 x 6 x 6.5) to the general trail fund.
- m) Public Street: The Developer will build the proposed road that will create access and frontage for the development. The right-of-way will be 56 feet wide except where it will extend at the bulb of the cul-de-sac. The street will be 26 feet with modified curb, 8-foot park strips, and 5-foot sidewalks.
- n) Open Space: The property is less than six acres, so no open space is required.
- o) Landscaping Plan: The proposed development is not required to submit a landscaping plan since there is no open space or common area.
- p) 100-Foot Setback Requirement: The subdivision code requires a 100-foot setback from the edge of the right-of-way for Pine Canyon Road for any structures. The setback line will be noted on the plat so no structures, including accessory structures, are placed in this area.
- q) Maximum Height of Structures: The previous owner of the property deposited many truckloads of fill over much of the property. This concerns some of the neighbors because of the issue of maximum height of future structures. Staff has assured such neighbors that code will be followed, and height will be measured based on natural grade. To address this issue, the Developer, monitored by Midway's engineering inspector, has dug several test pits on the three lots where the fill has been deposited to determine natural grade. The elevation of natural grade will be placed on the plat and future owners will submit elevation certificates for future building permits based on that information to comply with the maximum height limitation of 35 feet measured from natural grade.
- r) Dwelling Building Pads: Normally, building pads are not shown on Midway subdivision plats. However, staff feels they could be helpful in the proposed development. The development is in two zones that have different setback requirements, and one of the lots is dissected by two zones. Also, the five lots in the R-1-22 zone qualify for a rear setback reduction because of how wide and shallow the lots are. This could all be confusing to future lot owners and it would be easier for them to see the dwelling setbacks on the plat. If a building pad is shown on the plat, it would be specifically for dwellings and not for accessory structures since setbacks for accessory structures are different than for dwellings.

- s) Intersection and Driveway Location: Currently, the access for the proposed development and the property just north (Christensen) of the proposed road in the new development share a combined access. Driveways and intersections should be separated by 40 feet to avoid safety issues of being too close together. The Applicant has addressed this issue by moving the proposed subdivision road to the south by 40 feet.
- t) Lot 7 Access Limitation: Lot 7 is the only corner lot in the subdivision and is also the only lot with frontage on Pine Canyon Road. Access to Lot 7 should be limited to Kastle Court, with no access to Pine Canyon Road, for the following reasons:
1. Pine Canyon Road is a main road in Midway and traffic access should be limited to specific locations on main roads to create a safer road experience with limited points of access.
 2. A bike lane will be constructed along Pine Canyon Road and limiting crossings across bike lanes is safer for all when there are fewer crossings.
 3. The location of the detention pond will not allow a driveway to access Pine Canyon Road.
- The access limitation should be noted on the plat.
- u) Weed Control: The Developer and its successors and assigns shall eradicate, mow or trim weeds and vegetation at all times in all areas of the Project. Developer shall be responsible for weed control on the remainder parcel described herein.
- v) Construction Traffic: All construction traffic for all Project improvements will meet the requirements imposed by the Midway City Planning and Engineering Departments.
- w) Warranty: Consistent with City standards, the Developer will provide a one-year warranty for the operation of all improvements.
- x) Bonding: Developer agrees to post performance and other bonds in amounts and types established by the City related to the performance of the Developer's construction obligations for the Project, pursuant to current City Ordinances and Regulations.
- y) City's Right to Draw From Construction Bond: If Developer is required to perform any work within the public right-of-way, and the work is not completed by the City's established deadlines, the City shall have the right to draw funds from the Developer's performance and other bonds.