

## **Midway City Planning Commission Regular Meeting Tuesday April 9, 2019**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., Tuesday, April 9, 2019, at the  
Midway City Community Center  
160 West Main Street, Midway, Utah

### **6:45 P.M. Briefing Meeting**

- City Council Liaison Report, no action will be taken and the public is welcome to attend.

### **7:00 P.M. Regular Meeting**

#### **Call to Order**

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance

#### **Regular Business**

1. Review and possibly approve the Planning Commission Meeting Minutes of March 12, 2019.
2. Brett Walker is requesting Preliminary approval for the Lime Canyon Meadows Subdivision. The proposal is a large-scale subdivision located on two acres and will contain four lots. The property is located at 960 Lime Canyon Road and is in the R-1-22 zone.
  - a. Discussion of the proposed subdivision
  - b. Possible recommendation to City Council
3. Mike Johnston, agent for Wellness Properties LLC, is proposing the Dutch Draw annexation which contains 6.62 acres. The Property is located on the northside of the intersection of River Road and Dutch Canyon Road.
  - a. Discussion of the proposed annexation
  - b. Possible recommendation to City Council
4. Luster Development, agent for Tom Whitaker, is proposing final approval of the Whitaker Farm Subdivision. The proposal consists of 50 lots on 80 acres and contains 20 acres of open space. The property is located at 455 North River Road and is in the RA-1-43 zone.
  - a. Discussion of the proposed Subdivision
  - b. Possible recommendation to City Council
5. Paul Berg, agent for DPW Heber Inc., is requesting a Master Plan amendment for the Saddle Creek Ranch Planned Unit Development. The proposal is a large-scale

subdivision that is 32 acres in size that would be developed in four phases containing a total of 36 lots. The property is located at 970 South 250 West and is in the R-1-22 zone.

- a. Discussion of the proposed subdivision
- b. Possible recommendation to City Council

6. Millie and Roger Medby are requesting a Conditional Use Permit for a mixed-use development on their property that will include a business and a residence. The two properties are located at 35 North Center and 45 North Center and are in the C-3 zone.

- a. Discussion of the proposed conditional use
- b. Possible recommendation to City Council

7. Millie and Roger Medby are requesting preliminary approval for a Planned Unit Development that will contain two lots on their property that will include a business and a residence. The two properties are located at 35 North Center and 45 North Center and are in the C-3 zone.

- a. Discussion of the proposed planned unit development
- b. Possible recommendation to City Council

8. Adjournment

Review and possibly approve the  
Planning Commission Meeting Minutes  
of March 12, 2019

---

## Midway City Planning Commission Regular Meeting Minutes March 12, 2019

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., March 12, 2019, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### Attendance

Jim Kohler – Chairman  
Kevin Payne– Vice Chairman  
Jeff Nicholas  
Natalie Streeter  
Nancy O’Toole  
John McKeon  
Heather Whitney

### Staff

Michael Henke – City Planner  
Melannie Egan – Admin. Assistant  
Wes Johnson – City Engineer

### Excused

Bill Ream  
Rob Bouwhuis

### 7:00 P.M. Regular Meeting

#### Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
  - Invocation was given by Chairman Kohler
  - Chairman Kohler led the Pledge of Allegiance

#### Item 1:

Review and possibly approve the Planning Commission Meeting of February 12, 2019.

**Motion:** Commissioner Streeter: I move that we approve the Planning Commission meeting minutes of February 12, 2019.

**Seconded:** Commissioner O’Toole:

**Chairman Kohler:** Any discussion the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Payne, Nicholas, O’Toole, McKeon, Whitney and Streeter

**Nays:** None

**Motion: Passed**

#### Item 2:

Michael Murphy is requesting a Conditional Use Permits for transient rental unit on his property located at 425 Homestead Drive. This proposal is in the Transient Rental Overlay District and is in the R-1-22 zone.

**Planner Henke gave a presentation**

## Transient Rental Unit

- 6.35 acres
- R-1-22 zone
- Transient Rental Overlay District (TROD)
- 4-bedroom dwelling
- Was a transient rental unit for about 10 years through the 1990's
- Applicant will need to apply for a transient rental unit license
  - Property manager licensed with the City
  - Maximum of 14 guests
  - 2 cars allowed in the driveway
- Tax benefits
  - Transient rental tax
  - Sales tax
  - Resort tax

## Possible Findings

- The proposed use is a conditional use in the R-1-22 zone and is in the Transient Rental Overlay Zone.
- The proposal does meet the vision for residential development the R-1-22 zone within the TROD in the General Plan.
- Every licensed rental unit helps the City to comply with State requirements that allows the City to collect the resort tax

## Commissioners and Staff Comments

Commissioner Streeter stated that she would like a provision to make sure that the property remains green as far as the agricultural land that surrounds the house

Commissioner Payne asked about the taxes and how it helps Midway and Mayor Johnson explained about the transient and rental taxes.

**Motion:** Commissioner O'Toole: I make a motion to recommend to City Council that we approval a Conditional Use Permit for Michael Murphy for the Transient Rental unit that is located on his property at located at 425 Homestead Drive. Their proposal is in the Transient Rental Overlay District and is in the R-1-22 zone. We accept staff's findings and analysis. Also, with the condition that the agricultural land is maintained as it has been in the past for safety issues.

**Seconded:** Commissioner Nicholas

**Chairman Kohler:** Any discussion on the motion?

Commissioner

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Payne, Nicholas, O'Toole, McKeon, Whitney and Streeter

**Nays:** None

**Motion:** Passed

### **Item 3:**

Russ Watts, agent for Watts Enterprises, is proposing to amend the Homestead Master Plan that was approved in 2008. The proposed amendment includes 290 units in the form of hotels, villas, estate lodges, bungalows, and glamping. The proposal is on 50.09 acres and contains 30 acres of open space. The property is in Resort Zone.

## **Planner Henke gave a presentation**

### **2008 Master Plan**

- Approved on August 27, 2008
- Vested until August 27, 2058
- 72.01 total acres
  - Resort Core area – 35.37 acres
  - Open space and amenities – 55.46 acres
    - Resort core contains some open space
    - 249 units
  - 453 keys
- Parking stalls – 868

### **Amending the 2008 Master Plan**

- Amending is possible if both the City and the developer agree to terms
- The City is under no obligation to amend the master plan
  - City should only amend if the proposal is more beneficial than the current plan
  - Impacts should be mitigated
  - Community benefits should be considered
- 92.27 total acres
  - Resort Core area – 50.01 acres
  - Golf course area – 42.26 acres
- 245 units
  - 453 keys (lockout units)
- Parking stalls – 1,003

### **2019 Proposed Master Plan**

#### **Housing and Facilities**

- Hotels
- Spa and wellness center
- Conference center
- Condominium building
- Estates
- Villas
- Bungalows
- Employee housing
- Glamping sites

- Maintenance building
- Golf course and clubhouse
- Discovery barn
- Estates clubhouse
- Little white chapel event center
- Event pavilion
- American Girl Village
- Tree house play area
- Barn event venue
- Horse barn and stables
- Indoor driving range and golf warm-up facility

### **Preserving the Golf Course and Open Space**

- City would like to preserve the golf course and all golf course open space
- Golf course property falls into 3 categories
  - Homestead owned resort core & golf course – 92.27
  - Preserved open space in subdivision plats – 31.43
  - Private property with golf easements – 18.6
- Proposal would include 50 acres of core area and 35 acres of golf course open space
  - Remaining 7.27 acres must be preserved
- Enhancement of the Homestead property and surrounding neighborhoods
- Impacts of the proposed concept plan on surrounding neighborhoods.
- Economic development
  - Transient room tax
  - Property tax
  - Sales tax
  - Resort tax
  - Residual economic impact on local businesses
- Public trail development

### **Discussion Items**

- Density
  - RZ has no density limitation
- Access
- Traffic study
- Transient rental requirement
  - 45 units may be primary (about 90% must be a rental pool and licensed with the City)
- Public participation meeting – Feb. 21, 2019
- Trails
  - Public on-site and off-site trails
- Architectural Theme
  - VAC review February 26, 2019
- Setbacks
- Height of structures

- Hotels will be more than 35' tall but less than 5680' elevation
- Building area dimensional limitations
  - 12,000 sq. ft. of building area allowed per acre – 27.5%
  - Proposed plan is 14.6% based on 50.01 acres
- All phases will be one HOA

### **Water Board Recommendation**

- The Water has reviewed the master plan, but a calculation will need to be recommended to City Council.
- The required water for the master plan will be held in escrow.
- Water will be deeded to the City before the plat is recorded for each phase

### **Possible Findings**

- The proposal will benefit the City financially by creating a greater tax base.
- The proposal will help the City better comply with State requirements regarding collecting resort tax.
- The public trail system in the development will benefit the entire community by creating a detached trail along collector roads.
- A second point of access is required in the south area of the proposal where the townhomes are located.
- A traffic study must be reviewed the City.
- A geotechnical study must be submitted to the City for review.

### **Proposed Conditions**

- The southwest end of the proposal which contains 64 units must have a second point of access.
- A geotechnical study must be submitted to the City for review.
- A traffic study must be reviewed and accepted by both Midway City and UDOT.
- All five phases of the Master Plan will be part of one HOA as described in the Master Plan agreement.
- Landscaping plan must be addressed regarding native grass and wildflower mix.

### **Commissioner Discussion**

Commissioner O'Toole asked about the traffic study and that it was merely a snap shot. And asked if it included the amount of people and visitors that visit the state park. The park is always improving to attract more visitors.

Engineer Wes Johnson also stated that he also has some questions about the traffic studies. He asked Commissioner O'Toole to provide the visitor counts. He also stated that he has engineers in the PG office that specialize in traffic studies and wants to have them research the traffic. Along with UDOT and getting their input as well.

**Russ Watts representing the Watts team and gave a presentation with the new Homestead proposal.**

- Bring the legacy back to the Homestead and restore it to its glory.
- Spent 6 months working with visionaries, architects, engineers and the neighbors.
- #1 priority was to honor the authentic, aura and feeling of the Homestead.
- 68% open space
- How to bring people back to the homestead
- Address the trail issue around the bend on Homestead and confirmed that it is their goal to have an agreement with the landowner so the trail can cut through for safety issues.
- Eco engineer to help them to reuse the water, both mineral water and rain water
- Dedicated to keep the golf course
- Community pass to use some of the amenities
- Wants to use some of the old architectural features of the old buildings and plan on incorporating them into the new buildings, such as the fireplace and bar
- Landscaping and having a plan to replace some of the older vegetation and trees that are falling

**Paul Tew gave a visual presentation that showed the vision of the past and future of the Homestead Resort.**

- Attracting Weddings
- Spa, golf, clubs
- Using the resort all 4 seasons
- Accommodations
- Grand Hotel with classic design with from the entrance and the landscaping.
- Authentic heritage
- Golfing, making it a true destination
- Spa Resort, Rejuvenation rituals, the spa experience is
- Estates- Corporate ownership is their goal.
- Bungalows- Reunions and getaways and wedding parties
- The Villas- Moderate extended stay.
- The Little White Chapel- non denomination with a quaint feel of prairie gothic
- The Barn- For events, it is something that has been missing from the Homestead but has always felt missing
- The Camp- The getaway, glamping experience
- Outside amenities and activities starting at the homestead
- Variety of food experiences
- Holiday experiences

**Paul Berg of Berg Engineering gave a technical presentation**

- SOS gates will be installed fire standards and will be opened by fire trucks, ambulance or police by using their sirens.
- He discussed the landscaping, stating that they plan on using a certified mix of grasses and flowers that are commonly used by UDOT.

- European colonel is the style. Using the Virginia house as the starting point for the style.
- Drainage. Paul explained the drainage system, captured and drained into the various ponds.
- Driving Range will be relocated to an indoor driving and practicing facility. The 10 hole will be shortened from a 4 par to a 3 par that will lend to more protection to the homes to the south.

### **Commissioners and Staff Comments**

Commissioner Whitney asked as to why only do 90% rental and not 100% rental. Russ Watts answered that they want to leave that option open for life and family circumstances, but their goal is to have 100% rentals. The 10% is a buffer to the owner of the property and for legal purposes.

A discussion ensued regarding the taxes and how those would be collected. All rentals would be going through the Property Management. They do not and will not allow an Air B&B situation.

A question was raised by Commissioner Payne about the height of the units and Russ Watts explained that they will not be building any structure higher than 3 stories. Michael Henke clarified that nothing could be higher than the 52-foot-high crater including any steeples and or any architectural features.

Commissioner Streeter asked Paul Berg to address the flooding that some of the neighbors talked about. Paul Berg stated that the berm will help and putting in collection boxes will help with any potential flooding, but he wasn't sure that it was all water from the Homestead but would do what they could do to help manage any flooding. Wes stated that the pot rock that is so close to the surface has had a big impact on the runoff.

Commissioner Payne asked Michael Henke for some of the differences of 2008 plan and the new code. Michael Henke stated that the biggest differences are the 20% commercial requirement, height requirements, setbacks and open space

Russ Watts clarified that they will not go over the 453-key count. Those keys are not locked into the type of unit. The square footage is greater but is well below what the code allows.

### **Public Comment Open**

Kevin Cahoon- Concerned about the height of the Villas

Jim Brian- Concerned about the wildflowers. Where he lives that the wildflowers are mostly thistle. He recommended to have the berm. He would like to be involved in that landscaping on the south end between the houses.

Stu Waldrup- 817 Double Eagle Drive and is working with the Watts team regarding the project. Encouraged the community to get behind this project and bring to this community the spirit. The homestead needs a rebirth, it will bring employment, economic development and a delightful jewel to Midway City.

Ryan Crumper- His home was flooded, and his fear is that they will be flooded again if the landscaping is not addressed thoroughly.

Athena Corella- Concerned about the equestrian uses.

### **Public Comments Closed**

**Motion:** Commissioner Streeter: I motion that we approve the proposed master plan amendment and that Watts Enterprises will take this matter to the water board. We will use the Key” unit and that we will be limited to a maximum of 453 keys in the form of hotels, estate lodges, villas, cottages and glamping. This proposal is on 50.09 acres and contains 35 acres of open space. The property is in Resort Zone. We accept findings of staff and the conditions of the staff report. We add the additional conditions that the developer takes this to the Water Board and get their recommendation, are that the 7.23 acres of golf course to be put into conservation easement, the dark sky compliant on the parking lots and homes so the light does not go away from the property, that the berm and draining issues on the south side of the project between the Homestead and The Links be drawn up and included in the final plan, and the condition to looking at the setbacks and building heights along the south side of the development to be evaluated and adjusted if needed.

**Seconded:** Commissioner O’Toole:

**Chairman Kohler:** Any discussion on the motion?

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Payne, Nicholas, O’Toole, McKeon, Whitney and Streeter

**Nays:** None

**Motion:** Passed

### **Item 4:**

Berg Engineering, agent for Probst Higley Developers LLC, is requesting Preliminary Approval for Phase 3 and Phase 4 of the Scotch Fields PUD a large-scale planned unit development. The proposal is for 48 units located on 20.97 acres. The proposal is located west of Valais and is in the RA-1-43 zone.

### **Planner Henke gave a presentation**

#### **Land Use Summary**

- 20.83 acres
- RA-1-43 zoning
- Proposal contains 48 building pads
- Planned Unit Development (PUD)
- The lots will connect to the Midway Sanitation District sewer, Midway City’s culinary water line, and Midway Irrigation Company’s secondary water line

## Discussion Points

- Canyon View Road
  - Agreement with Jared and Kurt Wilson
- Clubhouse
  - Shown on the master plan
  - Developer would like to remove the clubhouse
- Landscaping plan and native grass

## Water Board Recommendation

- The recommended water requirement for phases 4 and 5 is 77.2-acre feet. This calculation will supply the 48 culinary connections and the irrigated areas of phases 3 and 4. This includes removing the culinary connection for the clubhouse.

## Possible Findings

- The proposal appears to meet the requirements of the code for PUDs.
- The proposal does meet the vision of the area as described in the General Plan for the RA-1-43 zone.
- A public Trail will be built by the developer that will be an amenity to the entire community.
- The developer is proposing to remove the clubhouse from phase 4.

## Proposed Conditions

- The clubhouse, as discussed in the master plan, must be built in phase 4 unless the City Council agrees to the developer's proposal to remove the amenity.
- An agreement must be reached with the Wilsons before preliminary approval is granted. The agreement must include a provision that the property for Canyon View Road, located on the Wilson's property, is deeded to the City before the plat is recorded for phase 4.

## Commissioners and Staff Comments

Commissioner Nicholas asked about the landscaping and why it is not done. Wes Johnson stated that the landscaping will get done either by the landscaper or the bond. The commission does not control this type of issue and cannot hold up this phase because of this. The bond takes care of that.

There was a discussion regarding the "wall" effect of the homes, and it was recommended that they be staggered to help with that.

**Motion:** Commissioner Nicholas: I recommend approval of Preliminary Approval for Phase 3 and Phase 4 of the Scotch Fields PUD a large-scale planned unit development. The proposal is for 48 units located on 20.97 acres. The proposal is located west of Valais and is in the RA-1-43 zone. We accept the staff report and staff findings with the two conditions in the staff report and other condition that the landscaping should blend in with the Valais landscaping, and that all of the property owners in Phases 1 and two should be notified of the proposed change to the

clubhouse and have a chance to give their input and presented to City Council. And the agreement with the Wilsons with regards to the extension of Canyon View Road.

**Second:** Commissioner O'Toole

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Payne, Nicholas, O'Toole, McKeon, Whitney and Streeter

**Nays: None**

**Motion: Passed**

**Item 4:**

Adjournment

**Motion:** Commissioner O'Toole

9:45 pm

---

Chairman – Jim Kohler

---

Admin. Assistant – Melannie Egan

Brett Walker is requesting Preliminary approval for the Lime Canyon Meadows Subdivision. The proposal is a large-scale subdivision located on two acres and will contain four lots. The property is located at 960 Lime Canyon Road and is in the R-1-22 zone.

---



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** April 9, 2019

**NAME OF PROJECT:** Lime Canyon Meadows

**NAME OF APPLICANT:** Brett Walker

**AGENDA ITEM:** Preliminary

**LOCATION OF ITEM:** 960 West Lime Canyon Road

**ZONING DESIGNATIONS:** R-1-22

### **ITEM: 2**

Brett Walker is requesting Preliminary approval for the Lime Canyon Meadows Subdivision. The proposal is a large-scale subdivision located on two acres and will contain four lots. The property is located at 960 Lime Canyon Road and is in the R-1-22 zone.

### **BACKGROUND:**

This request is for preliminary approval of a large-scale subdivision that will be known as Lime Canyon Meadows. The property is two acres in size and the proposal is to create a four-lot subdivision which will contain 0.5 acre lots. The property is the remnant parcel from the Lime Canyon Rural Preservation Subdivision that Brett Walker also developed. The property begins about one-quarter mile from the intersection of Homestead Drive and Lime Canyon Road. Lime Canyon is about three miles in length and this property is in the drainage area for the canyon. There is also a Rocky Mountain Power transmission line that crosses the property from north to south. The transmission line will affect where structures and trees can be located on two of the lots.

## LAND USE SUMMARY:

- 2-acre parcel
- R-1-22 zone
- Proposal contains four lots
  - Each lot is 0.5 acres
- Access from Lime Canyon Road
- The lots connect to the Midway Sanitation District's sewer line, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

## ANALYSIS:

*Access* – Access will be from Lime Canyon Road for all four lots. Per Section 16.13.44, development along an existing City street does not require a second point of access if each lot fronts on the City street.

*Geotechnical Study* – A Geotechnical Study has not been required or submitted to the City since no new roads will be built with this proposal.

*Drainage and Hydrology Study* – The City is requesting a hydrology study because the area of the proposal is part of the drainage for Lime Canyon. During and after large runoff events, storm water flows onto this parcel from the west and then percolates into the ground. No water is known to flow off the property from the main drainage of Lime Canyon. The City would like to have a hydrologist study the impacts of runoff on the parcel to protect future dwellings. Staff is concerned that the four lots may be in area that could be flooded in the future. The hydrology study should help resolve this concern.

*Water Connection* – The lots will to the City's culinary water lines in the area.

*60' Power Easement* – A 60' transmission line power easement crosses a section of the property. No building or trees will be allowed in this area as noted on the plat. The City will not approve any building permits in the easement area. Rocky Mountain Power will be responsible for enforcing any other rights associated with their easement.

*Sewer Service* – The lots will to Midway Sanitation District's sewer line in the area.

*Secondary Water Connection* – The lots will connect to Midway Irrigation Company’s secondary which is in the area and is already servicing the lots in the Lime Canyon Rural Preservation subdivision. Laterals will be created for all four lots. Secondary water meters are required for each lateral.

*Lime Canyon Rural Preservation Subdivision Development Agreement* – The development agreement for the Lime Canyon Rural Preservation subdivision restricted the remnant parcel to agricultural uses only unless the remnant parcel was further subdivided and approved by the City. At the time of the approval of the rural preservation subdivision the City had a requirement of two access points for roads longer than 500’. Since that time the City has adopted a code that allows development along existing city streets if no new roads are constructed as part of the development. The revised code allows development to proceed on the two-acre parcel.

*Homestead Irrigation Easements* – The owners of The Homestead have irrigation lines that cross all four of the proposed lots. The proposed plans show easements that will contain the irrigation lines and will limit development in the easements. The owners of The Homestead will be responsible for enforcing their easement rights with future lot landowners.

**WATER BOARD RECOMMENDATION:**

The Water Board approved the following motion:

To recommend to City Council that the Lime Canyon Meadows located at 960 Lime Canyon Road be required to turn in 7.1-acre feet of water based on the water calculations presented tonight. The easement agreement with the Homestead Resort and pressurized irrigation source will also need to be resolved. Midway Irrigation Member Grant Kohler seconded the motion.

**POSSIBLE FINDINGS:**

- The proposal does meet the intent of the General Plan for the R-1-22 zone
- The proposal does comply with the land use requirements of the R-1-22 zone

## **ALTERNATIVE ACTIONS:**

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
  
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - 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. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

## **PROPOSED CONDITIONS:**

1. Preliminary approval is not granted until a drainage/hydrology study is approved by the City.
  
2. Rocky Mountain Power approves language on the plat regarding the transmission line easement.





Carl Ln

Kimball Cr

N Pinehurst Dr

Homestead Dr

College Way

Warm Springs Rd

Resort

Bluff Rd

Limb Canyon Rd

Swiss Oaks Dr

Schnetter Cir

Utr Ln

Timberly Cr

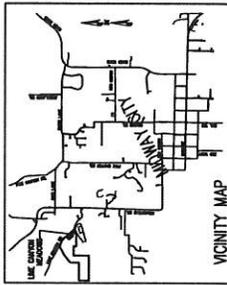
Oak Ln

Oberland Dr

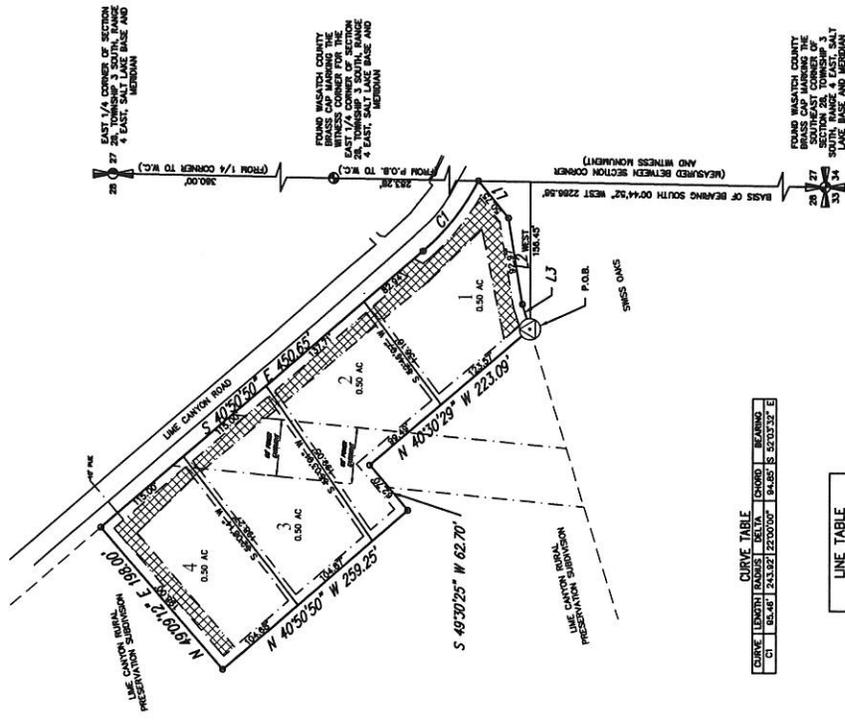
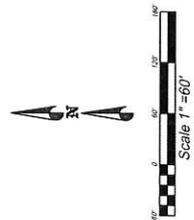
en Dr

n Way





**VICINITY MAP**  
 LOCATED IN THE NORTHEAST AND SOUTHEAST QUARTERS  
 OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST,  
 SALT LAKE BASE AND MERIDIAN.



**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	85.46'	243.97'	22°00'00"	84.85'	S 52°03'31" E

**LINE TABLE**

LINE	LENGTH	BEARING
L1	62.70'	S 49°30'25" W
L2	259.25'	N 40°50'50" W
L3	223.08'	N 70°50'29" W
L4	223.08'	S 49°30'25" W

**ADDRESS TABLE**

LOT	ADDRESS
1	XXXX WEST LIME CANYON ROAD
2	XXXX WEST LIME CANYON ROAD
3	XXXX WEST LIME CANYON ROAD
4	XXXX WEST LIME CANYON ROAD

ADDRESSING TO BE DETERMINED BY  
 WASATCH COUNTY GIS

DATE: \_\_\_\_\_  
 WASATCH COUNTY SOLID WASTE DEPARTMENT  
 DATE: \_\_\_\_\_  
 MOUNTAIN REGIONAL COMPANY  
 DATE: \_\_\_\_\_  
 MOUNTAIN REGIONAL DISTRICT  
 COUNTY RECORDER

COUNTY SURVEYOR  
 APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
 2018  
 COUNTY SURVEYOR

**BOUNDARY DESCRIPTION**  
 BEGINNING AT A POINT WHICH IS SOUTH 00°44'52" WEST 283.28 FEET  
 CAP MARKING THE INTERSECTION OF THE CORNER FROM WASATCH COUNTY BRASS  
 SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE  
 AND MERIDIAN.  
 THENCE NORTH 47°07'09" WEST 223.09 FEET; THENCE SOUTH 58°25'  
 42" WEST 174.00 FEET; THENCE SOUTH 89°00'00" WEST 174.00 FEET;  
 42°59'50" EAST 408.68 FEET; THENCE ALONG THE ARC OF A 243.92  
 FEET RADIUS CURVE TO THE POINT OF BEGINNING; THENCE SOUTH  
 22°22'27" AND A CHORD BEARING SOUTH 57°03'32" EAST 84.85 FEET);  
 THENCE SOUTH 50°30'29" WEST 80.75 FEET; THENCE SOUTH 80°44'28"  
 WEST 27.50 FEET TO THE  
 POINT OF BEGINNING.  
 CONTAINING 2.00 ACRES

**BASIS OF BEARING**  
 THE BASIS OF BEARING IS THE TRUE MERIDIAN MEASURED  
 BETWEEN SECTION CORNER AND WITNESS MONUMENT.

**OWNER'S DEDICATION**  
 HAVE ALL LOTS BY THIS INSTRUMENT  
 BEING A PART OF THE PROPERTY DESCRIBED HEREON, BEEN CAUSED THE  
 SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND EASEMENTS  
 AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC  
 UTILITIES AND EMERGENCY VEHICLE ACCESS.

**ACKNOWLEDGMENT**  
 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
 BY: \_\_\_\_\_  
 STATE OF UTAH ) S.S.  
 COUNTY OF MOUNTAIN )  
 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED  
 BEFORE ME \_\_\_\_\_, A PUBLIC NOTARY PUBLIC,  
 TO BE THAT HE/SHE DO/DESIRE THE SAME IN THE CAPACITY INDICATED.  
 MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

**ACKNOWLEDGMENT**  
 STATE OF UTAH ) S.S.  
 COUNTY OF MOUNTAIN )  
 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED  
 BEFORE ME \_\_\_\_\_, A PUBLIC NOTARY PUBLIC,  
 TO BE THAT HE/SHE DO/DESIRE THE SAME IN THE CAPACITY INDICATED.  
 MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

**ACCEPTANCE BY MIDWAY CITY**  
 THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF  
 UTAH, HAS REVIEWED THE INSTRUMENT AND HAS ACCEPTED THE  
 DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC  
 UTILITIES OF THE PROPERTY DESCRIBED HEREON.  
 APPROVED: \_\_\_\_\_ MAYOR  
 ATTEST: \_\_\_\_\_ CLERK-RECORDER  
 APPROVED: \_\_\_\_\_ CITY ENGINEER  
 APPROVED: \_\_\_\_\_ CITY ATTORNEY

**PLANNING COMMISSION APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY THE  
 \_\_\_\_\_ CITY PLANNING COMMISSION  
 PLANNING DIRECTOR: \_\_\_\_\_ CHAIRMAN, PLANNING COMMISSION

**SURVEYOR'S CERTIFICATE**  
 I, \_\_\_\_\_ SURVEYOR, BEING A LICENSED SURVEYOR  
 IN ACCORDANCE WITH SECTION 104-4-403 OF THE UTAH CODE, TROY  
 SURVEYOR HOLDING LICENSE NUMBER 8854112 IN ACCORDANCE WITH  
 PROFESSIONAL LAND SURVEYORS LICENSING ACT,  
 I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE  
 PROPERTY DESCRIBED HEREON AND HAVE VERIFIED ALL MEASUREMENTS,  
 AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAN.

**LIME CANYON MEADOWS**  
 MOUNTAIN REGIONAL DISTRICT, STATE OF UTAH  
 LOCATED IN THE NORTHEAST AND SOUTHEAST QUARTERS OF SECTION 28,  
 TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.  
 SCALE: 1" = 60' FEET

April 9, 2019

Midway City  
Attn: Michael Henke  
75 North 100 West  
Midway, Utah 84049

**Subject: Lime Canyon Meadows Subdivision, Preliminary Review**

Dear Michael:

Horrocks Engineers recently reviewed the Lime Canyon Meadows Subdivision plans for Preliminary Approval. The following issues should be addressed.

General Comments

- The proposed plans is a four lot subdivision adjacent to Lime Canyon Road.

Water

- The proposed development will be served from the Cottages tank. Culinary water will be provided from the existing 8" water line adjacent to Lime Canyon Road.

Roads

- No road improvements will be required for the four lots within the proposed subdivision.

Trails:

- No trails are shown to be constructed within the development.

Storm Drain

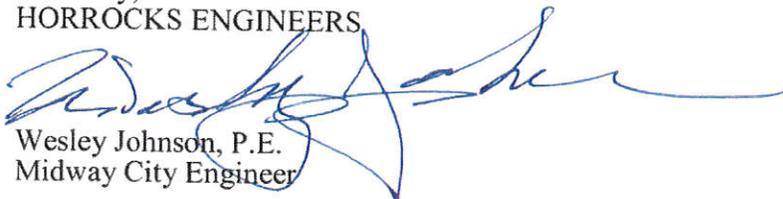
- The proposed subdivision is at the bottom of the Lime Canyon drainage. The recessed areas of this land is the final retention basin for all of Lime Canyon. To protect the safety of each of the proposed lots/homes, the high water line of the 100 year, 24 hour storm should be shown on the plans prior to final approval,
- The existing swales along Lime Canyon Road will accommodate the storm water runoff from Lime Canyon road.

Landscaping

- No landscaping will be required as part of the proposed subdivision.

Please feel free to call our office with any questions.

Sincerely,  
HORROCKS ENGINEERS



Wesley Johnson, P.E.  
Midway City Engineer

cc: Paul Berg Berg Engineering, (sent by Email)

Mike Johnston, agent for Wellness Properties LLC, is proposing the Dutch Draw annexation which contains 6.62 acres. The Property is located on the northside of the intersection of River Road and Dutch Canyon Road.

---



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** April 9, 2019

**NAME OF PROJECT:** Dutch Draw Annexation

**NAME OF APPLICANT:** Wellness Properties LLC

**AGENDA ITEM:** Annexation

**ACRES:** 6.63 acres

**LOCATION OF ITEM:** Northside of the intersection of River Road and Dutch Canyon Road

**POTENTIAL ZONING:** RA-1-43

### **ITEM: 3**

Mike Johnston, agent for Wellness Properties LLC, is proposing the Dutch Draw annexation which contains 6.63 acres. The Property is located on the northside of the intersection of River Road and Dutch Canyon Road.

### **BACKGROUND:**

Mike Johnston, agent for Wellness Properties LLC, has petitioned the City to annex of 6.63 acres that, per the current projected zoning, will be zoned RA-1-43 if approved by the City Council. Currently the property is in the County's jurisdiction and is zoned RA-1 (residential-agricultural one acre). The area does fall within Midway's annexation declaration area, so the property can be annexed but the City is under no obligation to annex the property. The Municipal Code does require that numerous issues are analyzed and evaluated before the City considers approving an annexation. Currently the City boundary runs along the western side of the proposed annexation.

The annexation contains one parcel and two lots in a recorded subdivision, named the Francis Probst Dutch Canyon Subdivision (see attached). One parcel and the lot in the subdivision are owned by the petitioner. The other lot, lot 1 of the Francis Probst Dutch Canyon Subdivision, is owned by Lindsay Probst who is not a petitioner in the annexation. The petitioner owns 85% of the land included and 58% of the taxable value. The following is a list of the properties as stated in the petition with accompanying information:

<b>Property Owner</b>	<b>Tax ID#</b>	<b>Signed Petition</b>	<b>Acres</b>	<b>Taxable Value</b>
Wellness Properties	OWC-0259-1	Yes	0.9	\$ 50,976
	OFZ-0002-0	Yes	4.48	\$ 224,000
	OFZ-0002-A	Yes	0.25	\$ 12,500
Lindsay Probst	OFZ-0001-0	No	1.00	\$ 206,643

The petition does comply with State Code which requires the owners of most of the land sign the petition and that the signers also own at least 1/3 of the taxable value of land in the annexation area. State Code also requires a survey of the area which has been completed. There are other requirements listed in State Code and all seem to be met.

Annexations fall under the category of a legislative action. Therefore, the City Council has broad discretion regarding the petition. It may be approved or denied based on the discretion of the Council members. There is no obligation by the City to annex the property. If the Council feels that the area will contribute to the community and will help promote the goals and policies of the General Plan, then the annexation should be considered. The City Council may consider any issue, included in the staff report or not, as a discussion item. Also, the City may require items from the petitioner that normally would not be allowed if a developer's property was already located and zoned in the City. In the past, petitioners of annexations have donated to the parks fund as part of their annexations. Since the action is legislative it is not bound to the same rules that an administrative process is bound to.

This item has been noticed in the local newspaper for two weeks and on the State's website for the Planning Commission meeting. Public notices have also been posted in three public locations in Midway advertising the meeting and agenda.

**ANALYSIS:**

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 9.05.020 requires specifically the Staff address the following issues:

- A. The ability to meet the general annexation requirements set forth in this Title; *Planning staff believes that the proposal does comply with the general requirements of this Title.*

- B. An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features, e.g. drainage, channels, streams, wooded areas, areas of high water table, very steep slopes, sensitive ridgeline areas, wildfire/wild land interface areas, and other environmentally sensitive lands: *The proposed annexation concept plan has been submitted and is attached to this report. Information regarding sensitive lands has not been provided by the applicant. Staff has received comments regarding the drainage of Dutch Draw. It appears Dutch Draw drains onto and across the annexation property and should be considered during the annexation. There is not a FEMA floodplain, but the City may want to restrict the location of future structures, especially dwellings, on the property to mitigate potential flooding damage.*
- C. Identification of current and potential population of the area and the current residential densities: *Currently there is one dwelling in the annexation area. The development potential in the annexation area would be three more dwellings.*
- D. Land uses presently existing and those proposed: *Currently the land in the area is being used for agricultural purposes. Most of the property has been irrigated over the past several years. The proposed land uses include a three-lot subdivision that would change the dominant use of the property from agriculture to residential.*
- E. Character and development of adjacent properties and neighborhoods: *The properties to the south and west of the annexation are predominantly being used for agriculture. The property to the north is State Park and is elevated and undeveloped. Dutch Fields PUD lies to the west and is residential in use.*
- F. Present zoning and proposed zoning: *The current County zoning is RA-1 which is a one-acre zone. The planned zoning that midway has established is RA-1-43 which is also a one-acre zone.*
- G. A statement as to how the proposed area, and/or its potential land use will contribute to the achievement of the goals and policies of the Midway City General Plan and the Midway City Vision: *The proposed development will include three lots that are each over an acre in size. This matches the vision of the General Plan for this land use area and matches the development code for the RA-1-43 zone. The General Plan promotes reducing density where appropriate and preserving open space. Staff is recommending that a 100' setback is required along River Road to preserve and open and rural feel from this important entry corridor into the City. The proposed development is not maximizing density because, it appears, at least one or more lots could be included in the proposed development plan and would still comply with the zoning requirements.*
- H. Assessed valuation of properties within the annexation area: *Please see the chart presented earlier in this report.*

- I. Potential demands for various municipal services and the need for land use regulation in the area, e.g. consideration of the distance from the existing utility lines, special requirements for sensitive land review and fire protection in wildfire or wild land areas, location within hazardous soils area, and feasibility of snow removal from public streets: *If the property is annexed then the City will be required to provide services to the area. Office staff, in the various City departments, will spend time working on the development and with the residents in the annexed area. This includes land use applications, building permits, and utility payments. Also, the City will remove snow from any public streets and will maintain the roads and water lines in the area. These services cost the City money and though property taxes from the new residents will help offset that cost the City will need to have some commercial development and the sales taxes collected from the sales generated to help offset those new costs. That is assuming that the new growth will help increase sales in Midway by increasing activity in the current Midway stores or will help new businesses establish in Midway. It is unknown what the impact of the new homes will have but we do know the City's cost will increase because of the new growth. The City does have water lines in the immediate area of the annexation and other utilities are located nearby.*
- J. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service areas: *The annexation will increase the City's boundaries. It is staff's experience that many people and residents already assume the area is part of the City. It appears that servicing the area will not create any unmanageable complications except that the City will most likely need to maintain and snowplow the area of River Road that fronts the annexation. If the City annexes this section of River Road, the City's plows will most likely need to drive to River Meadows Ranch to turn around and return to the City limits.*
- K. A proposed timetable for extending municipal services to the area and recommendation on how the cost thereof will be paid: *City services are up to the boundary of the annexation. The developer will need to build the infrastructure within the annexation area for the development so the City will incur no development cost, only maintenance cost, once that infrastructure is approved by the City.*
- L. Comparison of potential revenue from the annexed properties with the cost of providing services thereto: *Generally residential development does not pay enough in taxes to cover the cost of the services provided by the City. In very general terms, and as described in the City's General Plan, for every dollar the City collects from a residence the City pays \$1.16 to provide services. Therefore, commercial growth is important for the City which helps offset this unbalanced revenue versus cost.*

- M. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed: *It is estimated that the taxes for the Probst property will increase by more than a hundred dollars.*
- N. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and the potential impact of the annexation on the general county economic needs, goals, or objectives: *No government jurisdiction or agency has objected to the proposed annexation. The City held a review meeting and invited all potentially impacted jurisdictions, agencies and utilities and no major concerns were identified in that meeting.*
- O. Location and description of any historic or cultural resources: *None have been identified*

Additional Items of consideration

- The City gains control over zoning once an area is annexed. This helps the city assure that uses on the property will be in harmony with the General Plan. If the City does not annex a parcel, then the owners of the property may develop in the County using the County's land use code. The main issue that staff has identified is if structures are built on the property and the property uses the County's land use code then the structures can be built 30' from the River Road right-of-way. This would create a closed and non-rural feel in the City's entry corridor. If the property is annexed, then the City can create a larger setback (i.e. 100') to match the general plan and the code for large-scale subdivisions along River Road.
- The most recent applicants for annexation to Midway have contributed to the parks fund (please see attached chart titled "Annexation Contributions".) The average amount of contribution per acre for recent application is \$589.11. Using the average amount, the Dutch Draw should contribute \$3,905.80 to the parks fund.
- It is unknown how Lindsay Probst feels about being included in the annexation. She has been noticed but staff has not yet had any communication with her. It is possible for her property to be forced into the City regardless of her opinion on the matter. It is also possible to leave the parcel in the County. This item should be discussed further.
- Dutch Draw drainage that runs across the property should be considered. The City could require the petitioner to provide a study or mitigation plan to address the issue.

**POSSIBLE FINDINGS:**

- The City will gain control over land use and zoning if the area is annexed.
- The proposal is a legislative action.
- A 100' structure setback along River Road may be required by the City which would help promote the vision and goals of the General Plan.
- The City will better have control over the River Road entry corridor if the property is annexed.

**ALTERNATIVE ACTIONS:**

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels that the annexation is in the best interest of the community.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
  
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - 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. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request is not in the best interest of the community.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

1. Petitioner must provide information regarding a study or mitigation plan to address the issue.

2.



N-River-Rd

River-Rd

Dutch Canyon Rd

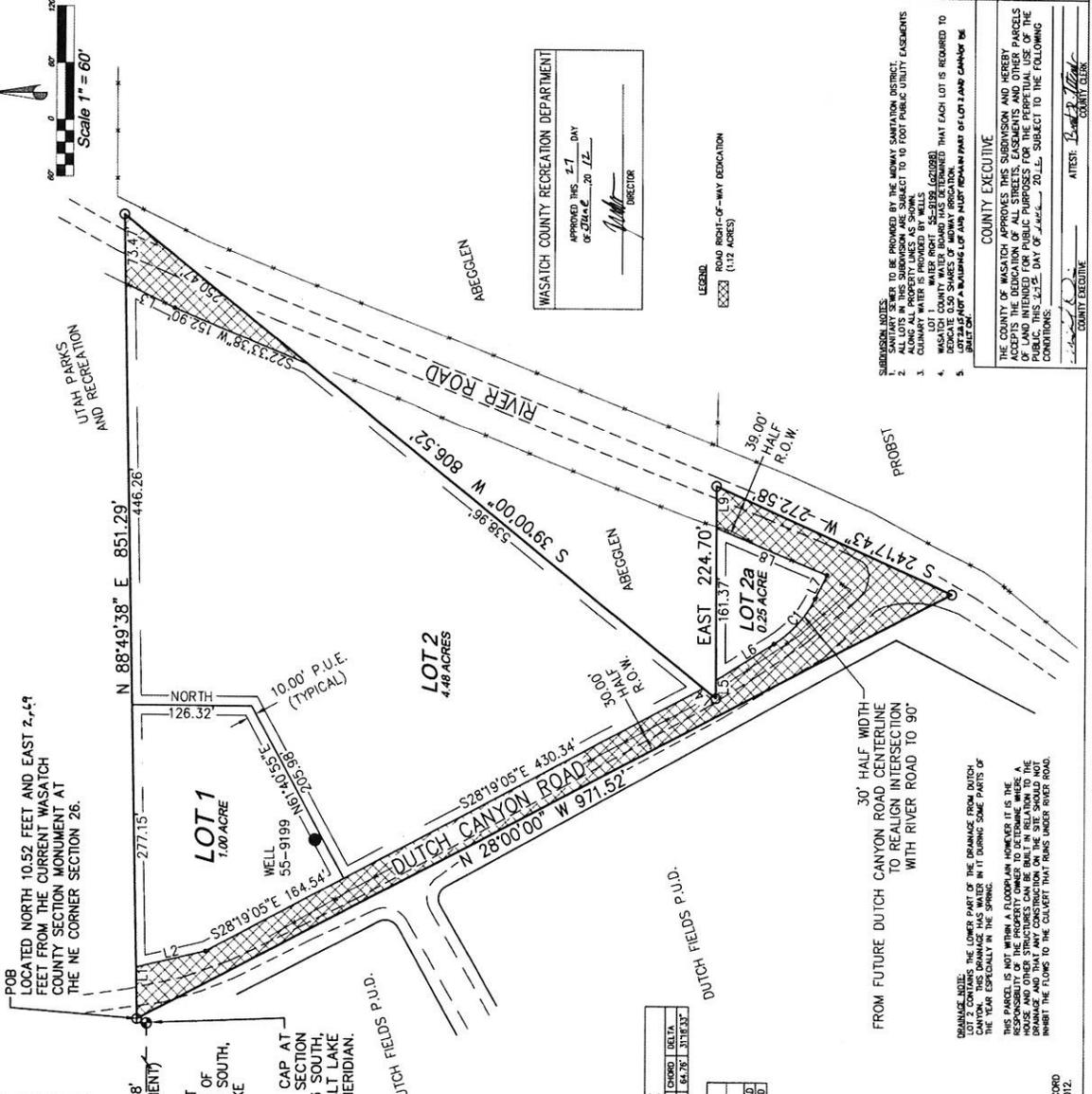
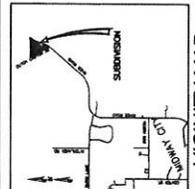
65th Pkwy

E Dutch View Ct



# FRANCIS PROBST DUTCH CANYON SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 25,  
TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



**WASATCH COUNTY WEED BOARD**  
APPROVED THIS 29<sup>th</sup> DAY OF MARCH, 2012.  
*[Signature]*  
DIRECTOR

**COUNTY ENGINEER DEPARTMENT**  
APPROVED THIS 29<sup>th</sup> DAY OF MARCH, 2012.  
SUBJECT TO THE FOLLOWING CONDITIONS:  
*[Signature]*  
DIRECTOR, ENGINEERING DEPARTMENT

**PUBLIC WORKS DEPARTMENT**  
APPROVED THIS 29<sup>th</sup> DAY OF MARCH, 2012.  
SUBJECT TO THE FOLLOWING CONDITIONS:  
*[Signature]*  
DIRECTOR, PUBLIC WORKS

**HEALTH DEPARTMENT**  
APPROVED THIS 29<sup>th</sup> DAY OF MARCH, 2012.  
SUBJECT TO THE FOLLOWING CONDITIONS:  
*[Signature]*  
DIRECTOR, HEALTH DEPARTMENT

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS 14<sup>th</sup> DAY  
OF FEBRUARY, 2012.  
*[Signature]*  
COUNTY ATTORNEY

**WASATCH COUNTY SHERIFF'S OFFICE**  
APPROVED THIS 29<sup>th</sup> DAY OF MARCH, 2012.  
SUBJECT TO THE FOLLOWING CONDITIONS:  
*[Signature]*  
SHERIFF

**WASATCH COUNTY WATER RESOURCES**  
APPROVED THIS 29<sup>th</sup> DAY  
OF MARCH, 2012.  
*[Signature]*  
DIRECTOR

**BOUNDARY DESCRIPTION**  
BEGINNING AT A POINT WHICH IS NORTH 10.52 FEET AND EAST 72.47 FEET FROM THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.  
THENCE NORTH 89°45'00" EAST 843.20 FEET; THENCE SOUTH 37°00'00" WEST 808.52 FEET; THENCE EAST 274.20 FEET; THENCE NORTH 37°00'00" WEST 971.32 FEET TO THE POINT OF BEGINNING.  
CONTAINING: 6.855 ACRES

**BASIS OF BEARING**  
THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 89°29'56" WEST 2862.38 FEET BETWEEN POINTS 1 AND 2. THIS POINT IS THE CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. THIS POINT IS THE POINT OF BEGINNING OF THE 1983 CENTRAL ZONE BEARINGS.

**OWNER'S DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNER(S) OF THE PROPERTY SUBMITTED HEREON, HAVE CAUSED THE SAME TO BE RECORDED AS TO FORM AND AS TO CONTENTS IN THE PUBLIC RECORDS OF THE COUNTY OF WASATCH, STATE OF UTAH, TO BE HEREINAFTER KNOWN AS THE FRANCIS PROBST DUTCH CANYON SUBDIVISION.  
IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 14<sup>th</sup> DAY OF FEBRUARY, 2012.  
*[Signatures]*  
KAT F. & MARINE S. PROBST TRUST  
KAT F. PROBST - TRUSTEE

**ACKNOWLEDGMENT**  
STATE OF UTAH )  
COUNTY OF WASATCH ) S.S.  
ON THE 14<sup>th</sup> DAY OF FEBRUARY, 2012, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF WASATCH, STATE OF UTAH, THE SIGNERS OF THE ABOVE INSTRUMENT, WHOSE NAMES ARE SET FORTH IN SAID INSTRUMENT, AND WHOSE IDENTIFICATION I DULY ACKNOWLEDGE TO ME THAT THEY PERSONALLY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.  
NOTARY PUBLIC  
RESIDING IN WASATCH COUNTY, UTAH  
MY COMMISSION EXPIRES: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**  
IN ASSURANCE TO THE PUBLIC AND TO THE RECORDS OF THE UTAH COUNTY ENGINEERING DEPARTMENT, I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 1432768 IN ACCORDANCE WITH THE UTAH PROFESSIONAL LAND SURVEYORS ACT. I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH THE UTAH PROFESSIONAL LAND SURVEYORS ACT, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE REPRESENTED ON THE PLAT.  
DATE: 3/29/12  
SURVEYOR: *[Signature]*

**WASATCH COUNTY RECORDER FEE**  
ENTRY NO. 530193, BOOK 10368, PAGE 128-1129  
STATE OF UTAH, COUNTY OF WASATCH  
DATE: 3/29/12, TIME: 2:55 P.M.  
RECORDED AND FILED AT THE REQUEST OF:  
RANDALL K. PROBST

**WASATCH COUNTY RECREATION DEPARTMENT**  
APPROVED THIS 27<sup>th</sup> DAY OF MARCH, 2012.  
SUBJECT TO THE FOLLOWING CONDITIONS:  
*[Signature]*  
DIRECTOR

**WASATCH COUNTY WATER RESOURCES**  
APPROVED THIS 29<sup>th</sup> DAY OF MARCH, 2012.  
SUBJECT TO THE FOLLOWING CONDITIONS:  
*[Signature]*  
DIRECTOR

**WASATCH COUNTY EXECUTIVE**  
THE COUNTY OF WASATCH APPROVES THIS SUBDIVISION AND HEREBY GRANTS A 30' HALF WIDTH EASEMENT OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE RECREATION OF PUBLIC. THIS 30' HALF WIDTH EASEMENT IS SUBJECT TO THE FOLLOWING CONDITIONS:  
*[Signature]*  
COUNTY EXECUTIVE

**ATTORNEY**  
*[Signature]*  
COUNTY CLERK

**CURVE TABLE**

LINE	LENGTH	BEARING	CHORD	DELTA
L1	54.54'	S78°19'05"E	14.78'	131°53'
L2	37.08'	S28°19'05"E	10.00'	100°00'
L3	17.09'	S30°00'00"W	4.71'	108°00'
L4	19.27'	S32°28'54"W	5.41'	114°00'
L5	28.04'	S42°58'20"E	7.84'	128°00'
L6	126.94'	N22°28'58"E	36.94'	158°00'
L7	44.13'	EAST	44.13'	90°00'

**ADDRESS TABLE**

LOT	ADDRESS
1	1444 NORTH DUTCH CANYON ROAD
2	2711 NORTH DUTCH CANYON ROAD

**DRAINAGE NOTE:** THE LOWER PART OF THE DRAINAGE FROM DUTCH CANYON. THIS DRAINAGE HAS WATER IN IT DURING SOME PARTS OF THE YEAR ESPECIALLY IN THE SPRING.  
THIS PARCEL IS NOT WITHIN A FLOODPLAIN HOWEVER IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO DETERMINE WHERE A FLOODPLAIN EXISTS AND THAT ANY CONSTRUCTION ON THE SITE SHOULD NOT INHIBIT THE FLOWS TO THE COLLECTOR THAT RUNS UNDER RIVER ROAD.

**LEGEND:**  
ROAD RIGHT-OF-WAY DEDICATION (112 ACRES)  
UTAH PARKS AND RECREATION  
DUTCH CANYON ROAD  
30' HALF WIDTH EASEMENT  
WELL

**WASATCH COUNTY RECREATION DEPARTMENT**  
APPROVED THIS 27<sup>th</sup> DAY OF MARCH, 2012.  
*[Signature]*  
DIRECTOR

**WASATCH COUNTY WATER RESOURCES**  
APPROVED THIS 29<sup>th</sup> DAY OF MARCH, 2012.  
SUBJECT TO THE FOLLOWING CONDITIONS:  
*[Signature]*  
DIRECTOR

**WASATCH COUNTY FIRE CHIEF**  
APPROVED THIS 29<sup>th</sup> DAY OF MARCH, 2012.  
SUBJECT TO THE FOLLOWING CONDITIONS:  
*[Signature]*  
FIRE CHIEF

**WASATCH COUNTY PLANNING DEPARTMENT**  
APPROVED THIS 29<sup>th</sup> DAY OF MARCH, 2012.  
SUBJECT TO THE FOLLOWING CONDITIONS:  
*[Signature]*  
PLANNING DIRECTOR

**WASATCH COUNTY EXECUTIVE**  
THE COUNTY OF WASATCH APPROVES THIS SUBDIVISION AND HEREBY GRANTS A 30' HALF WIDTH EASEMENT OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE RECREATION OF PUBLIC. THIS 30' HALF WIDTH EASEMENT IS SUBJECT TO THE FOLLOWING CONDITIONS:  
*[Signature]*  
COUNTY EXECUTIVE

**WASATCH COUNTY RECORDER FEE**  
ENTRY NO. 530193, BOOK 10368, PAGE 128-1129  
STATE OF UTAH, COUNTY OF WASATCH  
DATE: 3/29/12, TIME: 2:55 P.M.  
RECORDED AND FILED AT THE REQUEST OF:  
RANDALL K. PROBST



## Annexation Contributions

Annexation	Date	Acres	Parks	Cost per Acre	Trails
Soldier Hollow Mountain	6/22/2005	246	5 acres	\$711.38	
Wasatch Mountain	7/27/2005	151	\$85,800.00	\$568.21	
Robert Johnson	7/28/2004	23	\$		
High Valley Ranches/Arena	6/28/2006	12.41	\$8,052.00	\$648.83	
Dutch Hollow	1/25/2006	11.19	\$6,379.00	\$570.06	Dutch Canyon Road(?)
Fox Road	12/27/2006	2.32	\$		
Zenger	11/8/2006	95	\$47,600.00	\$501.05	Dutch Fields To Deer Ridge Estates
Remund Ranch	5/23/2007	49	\$26,220.00	\$535.10	
Scadia Investments	12/12/2007	4.27	\$		
Turnberry Woods	6/27/2008	1.8	\$		
Scotch Fields	7/28/2015	65.42			Built Public Trail - Burgi Lane to Pine Canyon
Whitacker Farm	1/2/2018	149.02	\$87,789.17	\$589.11	
<b>Average Cost per Acre</b>				<b>\$589.11</b>	
Cost of ground per Acre	35,000				

RECEIVED

DEC 03 2018

BY: Bruce Wilson

## PETITION FOR ANNEXATION INTO MIDWAY CITY

We, the undersigned owners of certain real property lying contiguous to the present municipal limits of Midway, hereby submit this Petition for Annexation and respectfully represent the following:

1. This petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated;
2. The property subject to this petition is an unincorporated area contiguous to the boundaries of Midway, and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. The signatures affixed hereto are those of the owners of private real property that:
  - a. is located within the area proposed for annexation;
  - b. covers a majority of the private land area within the area proposed for annexation;
  - c. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation; and
  - d. lies contiguous to the present boundary of Midway' corporate limits and is described in the attached Exhibit A, and is particularly located:  
  
at the northeast of the intersection of Dutch Canyon Road and River Road
4. Title to the property by those signing this petition is as shown in the deeds or title report attached hereto as Exhibit B. (Copies of the deed accompanies this petition.)
5. The manner in which it was established that at least 1/3 of the value of all the private property sought to be annexed is owned by the signers of this petition is shown in the attached Exhibit C.
6. The total acres of private land and total assessed value of all private lands sought to be annexed are **6.63 acres** and **\$494119 assessed value**. The ownership interests and assessed values of the privately-owned lands included in this annexation petition are shown in Exhibit C. *The total acreage of the entire annexation may contain more acreage due to the inclusion of public roads, public lands, or minor deed and title issues.*
7. The petitioners have caused an accurate map of the above-described property to be prepared by Bing Christensen, P.L.S. a licensed surveyor, and Summit Engineering Group, Inc., which plat or map is attached herewith as Exhibit D.
8. This petition does not propose annexation of all or a part of an area proposed for

annexation in a previously filed petition that has not been denied, rejected, or granted;

9. This petition does not propose annexation of all or a part of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 U.C.A. or a petition under Section 10-2-125, U.C.A. if:
  - a. the request or petition was filed before the filing of the annexation petition, and
  - b. the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;
10. The petitioners request the property, if annexed, be zoned **RA-1-43** as per the Midway City Zoning Map

WHEREFORE, the Petitioners hereby request that this Petition be considered by the Midway City Council at its next regular meeting, that a resolution be adopted as required by law accepting this Petition for Annexation for further consideration, and that the governing body take such steps as required by law to complete the annexation herein petitioned.

Dated this 3 day of December 2018.

## PETITIONERS

  
Wellness Properties LLC,  
a Utah limited partnership

**Contact Sponsor/Petitioner**

P.O. Box 1415, Midway, UT 84049

Phone No. 435-654-9229

Email 1cctyut@gmail.com

## EXHIBIT 'A'

### ANNEXATION BOUNDARY

BEGINNING NORTH 79°00'12" EAST 61.32 FEET FROM THE WASATCH COUNTY MONUMENT AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING ON THE BOUNDARY OF THE KAM KOHLER ANNEXATION (ENTRY NO. 235608);

THENCE RUNNING NORTH 88°49'38" EAST 720.31 FEET ALONG THE NORTH BOUNDARY OF THE FRANCIS PROBST DUTCH CANYON SUBDIVISION TO THE RIGHT-OF-WAY FOR RIVER ROAD;

THENCE FOLLOWING SAID RIGHT-OF-WAY FOR THE FOLLOWING THREE COURSES: 1) SOUTH 26°09'24" WEST 57.88 FEET, 2) SOUTH 22°33'38" WEST 152.90 FEET, 3) SOUTH 21°24'08" WEST 464.14 FEET;

THENCE SOUTH 22°39'58" WEST 169.31 FEET ALONG THE RIGHT-OF-WAY OF RIVER ROAD TO THE CURRENT MIDWAY BOUNDARY PER THE KAM KOHLER ANNEXATION;

THENCE ALONG THE BOUNDARY OF SAID ANNEXATION THE FOLLOWING TWO COURSES: 1) NORTH 29°33'26" WEST 669.64 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 670.00 FEET, TO WHICH A RADIAL LINE BEARS SOUTH 60°26'34" WEST, 2) ALONG SAID CURVE 198.22 FEET THROUGH A CENTRAL ANGLE OF 16°57'05" (CHORD BEARING OF NORTH 21°04'53" WEST 197.50 FEET) TO THE POINT OF BEGINNING.

HAVING AN AREA OF 6.62 ACRES.

**EXHIBIT 'B'**

**DEEDS OF PETITIONERS**

ATLAS TITLE  
FILE# 33128

# Warranty Deed

Grantor: Randall K. Probst, Successor Trustee of the Kay Probst Family Living Trust

hereby **CONVEY AND WARRANT** to:

Grantee: Wellness Properties, LLC  
Of: *PO BOX 1415, Midway, UT 84049*

**FOR THE SUM OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**  
the following described tract of land within Wasatch County, State of **UTAH** to wit:

Lot 2 and 2A, Francis Probst Dutch Canyon Subdivision, according to the official plat on file and of record  
in the office of the Wasatch County Recorder located in Heber Utah.  
Tax ID Nos. 0FZ-0002 and 0FZ-0002-A

Together with all appurtenances thereunto belonging.

This deed is hereby made expressly subject to all existing and recorded restrictions, exceptions, reservations,  
easements, rights-of-way, conditions, and covenants of whatever nature, if any, and is expressly subject to all regulations,  
and restrictions, including statutes and other laws of municipal, county, or other governmental authorities applicable to  
and enforceable against the premises described herein.

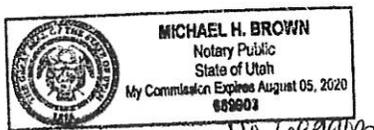
WITNESS THE HAND OF SAID GRANTOR THIS 25 DAY OF JULY, 2018

) *Randall K Probst* TEE  
) Randall K. Probst, Successor Trustee

State of Utah )  
County of Wasatch ) ss

On the 25 day of July 2018, personally appeared before me, Randall K. Probst, Successor  
Trustee of the Kay Probst Family Living Trust, the signer of the within instrument, who  
duly acknowledged to me that he executed the same.

*[Signature]*  
NOTARY PUBLIC



*NO. 689402*

ATLAS TITLE  
FILE# 33221

Ent 455703 Bk 1232 Pg 1652-1652  
Date: 10-SEP-2018 12:19:55PM  
Fee: \$10.00 Check Filed By: TC  
PEGGY FOY SULSER, Recorder  
WASATCH COUNTY CORPORATION  
For: ATLAS TITLE INSURANCE HEBER

# Warranty Deed

Grantor: JoAnn C. Abegglen, as Trustee of The JoAnn Abegglen Revocable Family Trust, dated the 11th day of April, 2014

hereby **CONVEY AND WARRANT** to:

Grantee: Wellness Properties, LLC  
Of:

**FOR THE SUM OF TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**  
the following described tract of land within WASATCH County, State of UTAH to wit:

Beginning at a point of bearing change on the eastern boundary of Lot 2 of the Francis Probst Dutch Canyon Subdivision, said point being North 10.52 feet and East 2.69 feet and North 88°49'38" East 851.29 feet and South 39° 00'00" West 250.47 feet from the aluminum monument for the Northeast Corner of Section 26, Township 3 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 21°24'07" West 464.14 feet along the apparent prescriptive right-of-way line for River Road; thence East 180.57 feet along the boundary of Lot 2a of said subdivision; thence North 39°00'00" East 556.05 feet along the boundary of Lot 2 of said subdivision to the point of beginning.

Tax ID No.: OWC-0259 - *partial*

Together with all appurtenances thereunto belonging.

This deed is hereby made expressly subject to all existing and recorded restrictions, exceptions, reservations, easements, rights-of-way, conditions, and covenants of whatever nature, if any, and is expressly subject to all regulations, and restrictions, including statutes and other laws of municipal, county, or other governmental authorities applicable to and enforceable against the premises described herein.

WITNESS THE HAND OF SAID GRANTOR THIS 6 DAY OF SEPTEMBER, 2018

*JoAnn C. Abegglen* TEE  
) JoAnn C. Abegglen, Trustee  
)  
)

State of Utah )

County of Wasatch ) ss

**EXHIBIT 'C'**

**PROPERTY VALUATION & ACREAGE**

EXHIBIT 'C'

ACREAGE WITHIN PROPOSED PROBST DUTCH CANYON ANNEXATION

Annexation requires the "majority of the private land area" and "equal in value to at least 1/3 of the value of all private real property" within the area proposed for annexation.

Private Property Owned by Petitioners

Property Owner	Parcel No.	Acreage	Market Value
Abegglen	00-0007-4349	0.9	\$ 50,976
Wellness Properties	00-0020-9645	4.48	\$ 224,000
Wellness Properties	00-0020-9646	0.25	\$ 12,500
<b>TOTALS</b>		<b>5.63 acres</b>	<b>\$ 287,476</b>

Other Private Properties Included in Annexation Petition

Property Owner	Property Serial No.	Acreage	Market Value
Probst	00-0020-9644	1.00	\$ 206,643
<b>TOTALS</b>		<b>1.00 acres</b>	<b>\$ 206,643</b>

Total acres of Private Property of Annexation Petition= 6.63

Total Value of Private Property Annexation Petition = \$494,119

Percentage of Annexation Land Owned by Petitioners = 85%

Percentage of Property Value owned by Petitioners = 58%

Luster Development, agent for Tom Whitaker, is proposing final approval of the Whitaker Farm Subdivision. The proposal consists of 50 lots on 80 acres and contains 20 acres of open space. The property is located at 455 North River Road and is in the RA-1-43 zone.

---



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** April 9, 2019

**NAME OF PROJECT:** Whitaker Farms Subdivision

**NAME OF APPLICANT:** Luster Development

**AGENDA ITEM:** Final Approval

**LOCATION OF ITEM:** 455 North River Road

**ZONING DESIGNATION:** RA-1-43

### **ITEM: 4**

Luster Development, agent for Tom Whitaker, is proposing final approval of the Whitaker Farms Subdivision. The proposal consists of 50 lots on 80 acres and contains 20 acres of open space. The property is located at 455 North River Road and is in the RA-1-43 zone.

### **BACKGROUND:**

Luster Development is proposing final approval of the Whitaker Farms subdivision which is located at 455 North River Road. There will be 50 lots in the development which will be developed as a large-scale standard subdivision. All roads in the development will be public roads which will require City maintenance once the roads are accepted by the City. There will be 25% open space (20 acres) included in the development which is 10% more than the minimum requirement of 15%. The open space/common area will be owned by the homeowners' association (HOA). There will also be a mix of public and private trails throughout the development along with a private amenity which is a barn that members of the community could use. The developer is proposing a clubhouse and other undefined amenities that will be constructed by the developer and owned and maintained by the HOA.

Sensitive land is located on the property and will be left undisturbed as required by the land use ordinance. For residential development, these sensitive lands are areas of slope 25% or greater. Most of the areas of slope that are 25% or greater are located in the open space area that contains part of Memorial Hill. There are some small areas of slope greater than 25% that are located on the far east side of the property and will be located in some of the lots. For those lots, a building envelope will be placed on the plat limiting areas where structures will be located.

#### **LAND USE SUMMARY:**

- 80 acres
- RA-1-43 zoning
- 50 lots
- Project is a Standard Subdivision
- Public roads
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.
- An 8' paved public trail is planned to run north and south through the length of the property with a connection to Memorial Hill. There will also be a public trail that will run alongside the eastern loop road.
- Sensitive lands of the property include areas of slope 25% or greater and wildlife habitat

#### **ANALYSIS:**

*Open Space* – The code requires 15% (12 acres) open space. The developer is proposing 25% (20 acres) open space and therefore meets the requirement of the code. The open space is also contiguous and connects to Memorial Hill.

*Density* – The applicant is asking for approval for 50 lots in the development as per the annexation agreement that was signed by the petitioner and the City. The applicant is bound to that agreement and cannot petition for more density unless an amendment is made to the annexation agreement. Generally, 80 acres in the RA-1-43 zone would allow about 68 lots (this is based on streets covering about 15% of the property).

*Two Points of Access* – The development plan has two points of access onto River Road. The two points of access on River Road do meet the City requirements regarding the two points of access construction standards. There is a third point of access planned on the southside of the property that will be stub road until connected to a future road.

*Traffic Study* – The developer has submitted a traffic study to the City as part of the application. Horrocks Engineers has reviewed that study to determine what road improvements are required. The developer is required, through the annexation agreement, to make significant improvements to River Road which include widening the road for a center turn lane and adding bike lanes on both sides of the road.

*Geotechnical Study* – The developer has submitted a geotechnical study to the City as part of the application. Horrocks Engineers has reviewed that study to determine if any special requirements are needed for construction of the roads and future structures in the development.

*Sensitive Lands* – Sensitive land is located on the property and will be left undisturbed as required by the land use ordinance. For residential development, these sensitive lands are areas of slope 25% or greater. Most areas of slope that are 25% or greater are located in the open space area that contains part of Memorial Hill. There are some small areas of slope greater than 25% that are located on the far east side of the property and will be located in some of the lots. For those lots, a building envelope will be placed on the plat limiting areas where structures can be located.

*Trails* – The developer is required to build public trails as part of the proposal. The public trails will run along all roads in the development and will consist of an 8' paved surface.

*Water Connection* – The lots will connect to the City's water line located under River Road.

*Sewer Connection* – The lots will connect to Midway Sanitations District's sewer line that crosses through the property.

*Road Cross Section* – The developer has proposed a rural road cross section instead of the default urban cross section. The rural cross section has the same 56' right-of-way width and 30' of asphalt width but it includes an 8' trail on one side of the street, 2' flat concrete curb and a road side drainage ditch instead of the standard 5' park strips and 5' sidewalks with modified curb on both sides of the street. The rural cross section can only be approved if the Planning Commission and City Council both approve the road design. The rural cross section can only be petitioned if the average frontage of the lots is greater than 150'. This has been reviewed by staff and the average frontage is greater than 150'.

*20-acre Whitaker Parcel* – There are 20 acres located to the west of the 80-acre proposal that are associated with each other through the annexation agreement. All density in the 100-acre area will be part of one Homeowner’s Association. An HOA will be formed for the 50 lots and later, when the 20-acre area is developed, a 12-unit PUD will be created that will also be subject to the HOA as discussed when the property was considered for annexation.

*Both phases will be one HOA* – The developments located in the 100 acres (this proposal on 80 acres and a future proposal on the remaining 20 acres) owned by the annexation petitioners will all be one Home Owners’ Association.

*View corridors* – The development has been designed to maintain view corridors from Memorial Hill and from River Road. The positioning of the open space and lots will all the development to be mostly unseen from River Road.

*Memorial Hill access* – The developer must present and receive approval from the County Council of an access plan to Memorial Hill.

*Landscaping Plan* – A landscaping plan has been submitted to the City and a copy is attached to this report. Staff has concerns about the proposed prairie grass and the maintenance of the prairie grass. Staff has requested more information on the proposed landscaping and how it will be maintained.

*Proportional Frontage and Acreage Reduction* – The lots in the subdivision may reduce in frontage and acreage based on the amount of open space provided. The developer is providing 25% open space which is 10% more than the required amount. This allows the lots and frontage to reduce by 25% based on the code that was in place at the time of vesting. This allows frontage to reduce from 150’ to 112.5’ and lots may reduce from one acre to 0.75 acres.

#### **WATER BOARD RECOMMENDATION:**

The Water Board reviewed the proposal and has recommended that 235.17-acre feet of water are required for the 83.64-acre proposal.

#### **CITY COUNCIL PRELIMINARY APPROVAL:**

There are several items that are part of the City Council’s preliminary approval motion that must be addressed. They include the following:

- The proposed development must comply with the requirements of the RA-1-43 zone for frontage, width and acreage.
  - Lot 1 must me adjusted for frontage and width requirements.
- The proposal must receive County approval for a new access to Memorial Hill

- The County has not yet granted approval for the new access.
- A revised landscaping plan for the open space must be submitted for final approval.
  - A new plan has been submitted but staff has concerns about the proposed prairie grass and the maintenance of the prairie grass. Staff has requested more information on the proposed landscaping and how it will be maintained. Also, landscaping plans for the two River Road roundabouts has not been submitted to the City. Staff would also like the developer to consider more landscaping islands near the roundabouts that may create a safer traffic flow around the roundabouts.
- Water calculation for landscaping should be recalculated if the trail is reduced from 8' to 6'.
  - Staff has not received acreage information for the park strips, so a new calculation has not been calculated.
- Annexation agreement would be approved by Wasatch County Council before final approval is granted.
  - An amended annexation agreement was approved by Midway City though the agreement has never been signed because the developer has not submitted the required exhibits for the agreement. The County Council has not yet approved the annexation agreement. The County Council's main issue is the access to Memorial Hill which is owned and maintained by Wasatch County.

**PROPOSED FINDINGS:**

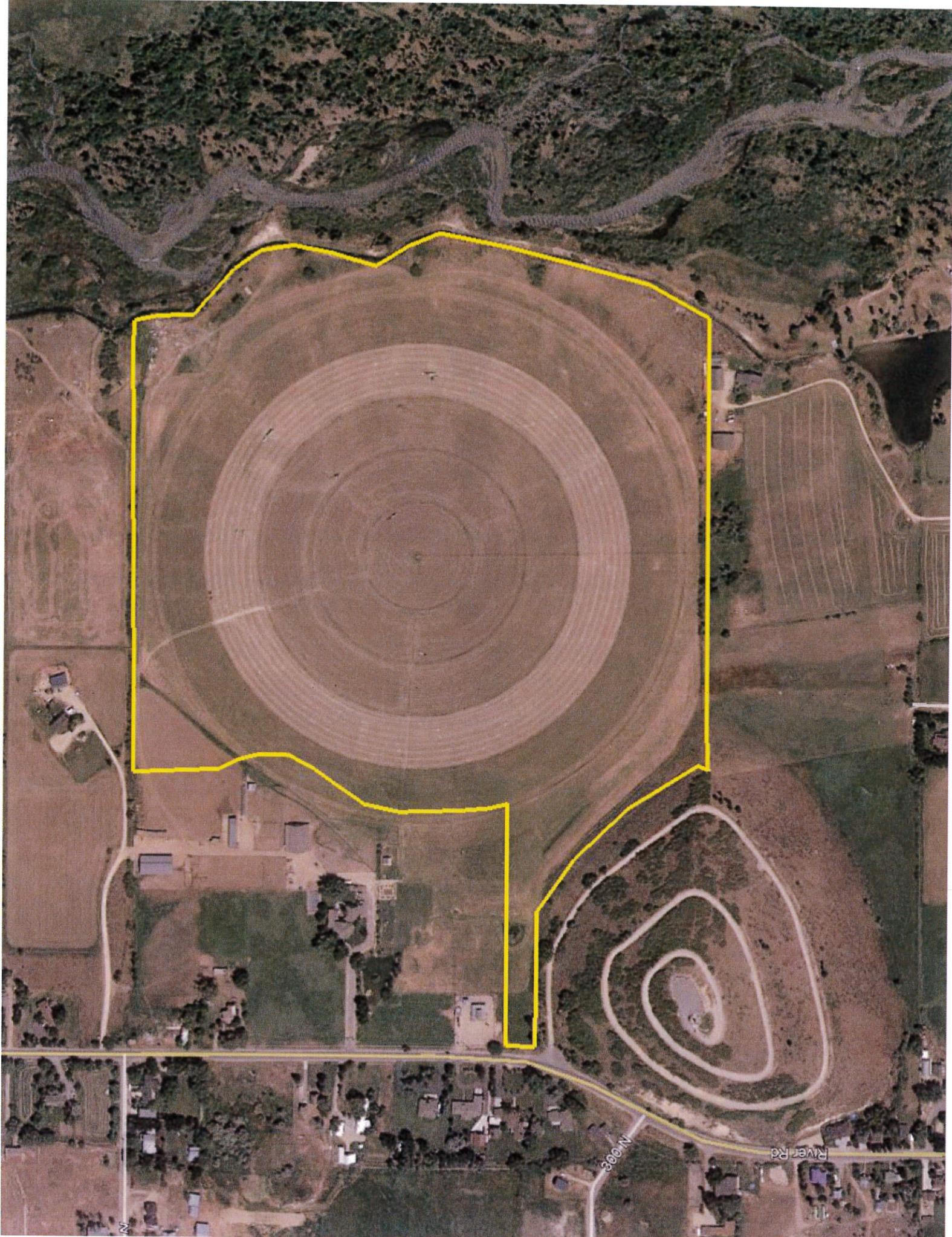
- The proposed development does appear to comply with the requirements of the RA-1-43 code except for lot 1
- The proposal does not have County approval for a new access to Memorial Hill
- The amended annexation agreement has not been signed
- The developer is providing 10% more open space than required by code
- Landscaping plans have not been submitted to the City for the two River Road roundabouts

**ALTERNATIVE ACTIONS:**

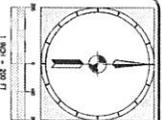
1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels the proposal complies with the requirements of the Land Use Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s) if needed
  
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - 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. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITION:**

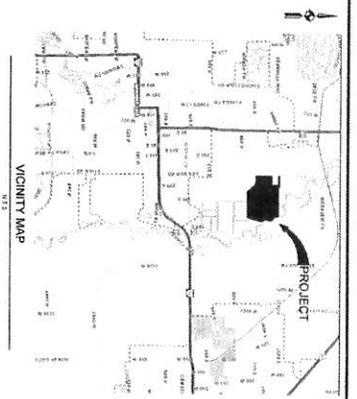
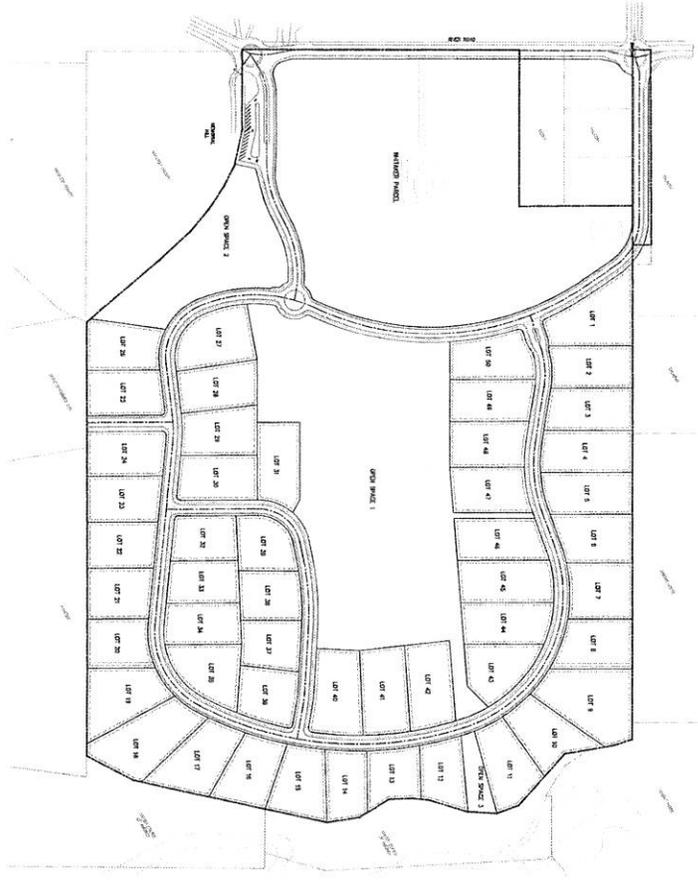
1. The developer must present and receive approval from the County Council of an access plan to Memorial Hill before final approval is granted.
  
2. Any lots with sensitive lands must have a building envelope included on the plat showing approved structure locations.
  
3. More information must be submitted regarding the proposed landscaping and how it will be maintained.
  
4. A landscaping plan must be submitted and reviewed by s\the City for the two River Road roundabouts.
  
5. Lot 1 must be adjusted on the final plat to comply with the minimum requirements.







# WHITAKER FARMS SUBDIVISION FINAL PLAT



### PUBLIC UTILITY EASEMENTS

ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO THE PUBLIC UTILITY EASEMENTS AND RIGHTS OF WAY SHOWN ON THE PLAT. THE PUBLIC UTILITY EASEMENTS ARE SHOWN AS SHOWN ON THE PLAT.

### PROPERTY CORNER NOTES

THE CORNER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 4 EAST, S2884N, 1/4 OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 4 EAST, S2884N, IS LOCATED AT THE INTERSECTION OF SECTION 36 AND SECTION 37.

### ZONING INFORMATION

THE SUBDIVISION IS ZONED AS R-1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT.

### PLAT NOTES

- NOTE 1
- NOTE 2
- NOTE 3

### BOUNDARY DESCRIPTION

BEING PART OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 4 EAST, S2884N, 1/4 OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 4 EAST, S2884N, AS SHOWN ON THE PLAT. THE BOUNDARY DESCRIPTION IS AS SHOWN ON THE PLAT.

### BASIS OF BEARINGS

THE BEARINGS AND DISTANCES ARE AS SHOWN ON THE PLAT. THE BEARINGS ARE MEASURED FROM THE MERIDIAN.

### SURVEYORS CERTIFICATE

I, THE SURVEYOR, HAVE BEEN DULY SWORN AND HAVE FOUND THE SURVEY TO BE ACCURATE AND CORRECT.

### OWNERS DEDICATION

I, THE OWNER, HEREBY DEDICATE THE PUBLIC UTILITY EASEMENTS AND RIGHTS OF WAY SHOWN ON THE PLAT.

### ACKNOWLEDGEMENT

I, THE OWNER, HEREBY ACKNOWLEDGE THE SUBDIVISION AND THE PUBLIC UTILITY EASEMENTS AND RIGHTS OF WAY SHOWN ON THE PLAT.

### ACCEPTANCE BY MIDWAY CITY

THE CITY OF MIDWAY, COLORADO, HAS REVIEWED THIS SUBDIVISION AND HAS ACCEPTED IT FOR RECORD.

PROJECT: C18404  
SHEET: 0 OF 3  
DATE: 03/27/2018

Survey Engineering Group, Inc.  
1000 West 10th Avenue, Suite 100  
Denver, Colorado 80202

WHITAKER FARMS SUBDIVISION  
LOCATED IN THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 4 EAST, S2884N, MIDWAY CITY, WASHINGTON COUNTY, UTAH

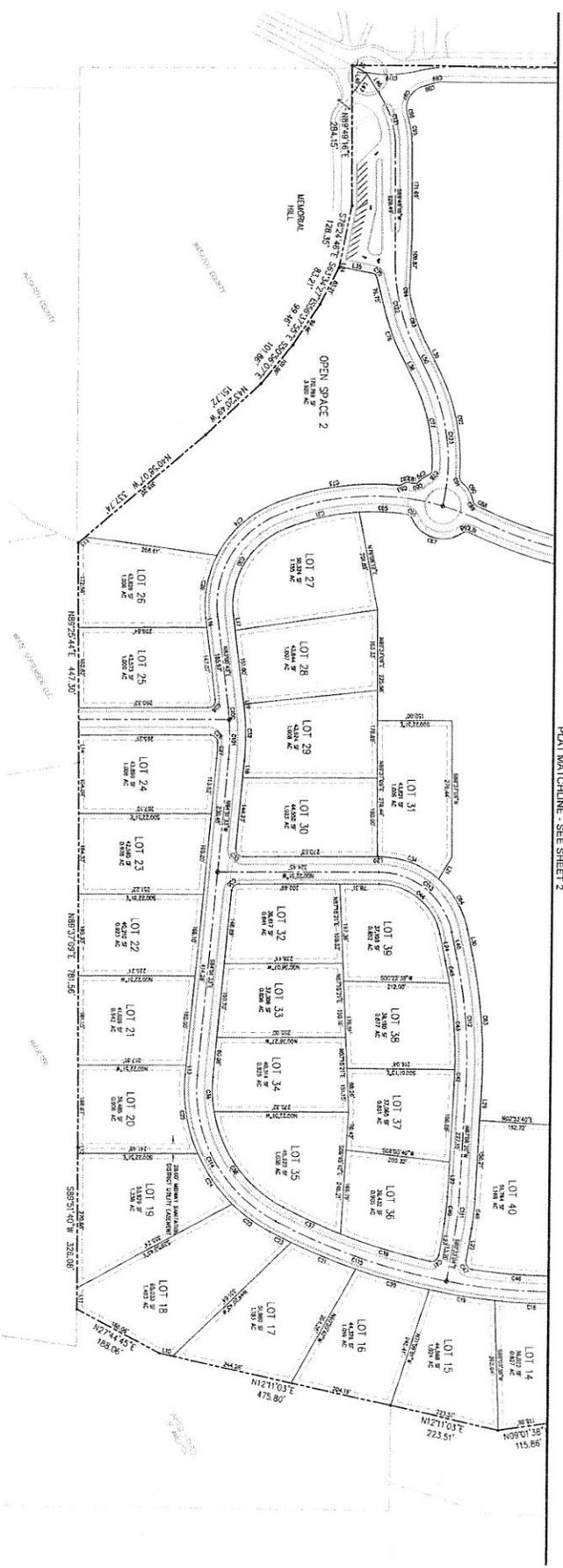
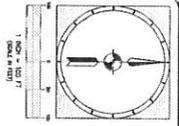
WASATCH COUNTY SURVEYOR  
APPROVED AS TO FORM  
DATE: \_\_\_\_\_  
AND: \_\_\_\_\_

WASATCH COUNTY RECORDER

MIDWAY IRRIGATION COMPANY  
DATE: \_\_\_\_\_

MIDWAY SANITATION DISTRICT  
DATE: \_\_\_\_\_



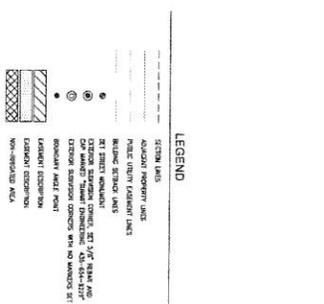


PLAT MATCHLINE - SEE SHEET 2

LOT	AREA (AC)	PERCENT						
14	1.2000	2.88	15	1.2000	2.88	16	1.2000	2.88
17	1.2000	2.88	18	1.2000	2.88	19	1.2000	2.88
20	1.2000	2.88	21	1.2000	2.88	22	1.2000	2.88
23	1.2000	2.88	24	1.2000	2.88	25	1.2000	2.88
26	1.2000	2.88	27	1.2000	2.88	28	1.2000	2.88
29	1.2000	2.88	30	1.2000	2.88	31	1.2000	2.88
32	1.2000	2.88	33	1.2000	2.88	34	1.2000	2.88
35	1.2000	2.88	36	1.2000	2.88	37	1.2000	2.88
38	1.2000	2.88	39	1.2000	2.88	40	1.2000	2.88

LOT	AREA (AC)	PERCENT	LOT	AREA (AC)	PERCENT
14	1.2000	2.88	26	1.2000	2.88
15	1.2000	2.88	27	1.2000	2.88
16	1.2000	2.88	28	1.2000	2.88
17	1.2000	2.88	29	1.2000	2.88
18	1.2000	2.88	30	1.2000	2.88
19	1.2000	2.88	31	1.2000	2.88
20	1.2000	2.88	32	1.2000	2.88
21	1.2000	2.88	33	1.2000	2.88
22	1.2000	2.88	34	1.2000	2.88
23	1.2000	2.88	35	1.2000	2.88
24	1.2000	2.88	36	1.2000	2.88
25	1.2000	2.88	37	1.2000	2.88
26	1.2000	2.88	38	1.2000	2.88
27	1.2000	2.88	39	1.2000	2.88
28	1.2000	2.88	40	1.2000	2.88

LOT	AREA (AC)	PERCENT	LOT	AREA (AC)	PERCENT
14	1.2000	2.88	26	1.2000	2.88
15	1.2000	2.88	27	1.2000	2.88
16	1.2000	2.88	28	1.2000	2.88
17	1.2000	2.88	29	1.2000	2.88
18	1.2000	2.88	30	1.2000	2.88
19	1.2000	2.88	31	1.2000	2.88
20	1.2000	2.88	32	1.2000	2.88
21	1.2000	2.88	33	1.2000	2.88
22	1.2000	2.88	34	1.2000	2.88
23	1.2000	2.88	35	1.2000	2.88
24	1.2000	2.88	36	1.2000	2.88
25	1.2000	2.88	37	1.2000	2.88
26	1.2000	2.88	38	1.2000	2.88
27	1.2000	2.88	39	1.2000	2.88
28	1.2000	2.88	40	1.2000	2.88



018-004  
 3 OF 3  
 02/07/2019  
 Summit Engineering Group Inc.  
 10000 Highway 101, Suite 101  
 St. Catharines, ON L2R 9K9  
 Tel: 905.662.1111  
 Fax: 905.662.1112  
 Email: info@summiteng.com

Whittaker Farms Subdivision  
 Located in the Northeast 1/4 of Section 26, Township 3 South, Range 4 East, Subdiv.

**WHITTAKER FARMS SUBDIVISION**  
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SUBDIV.

Paul Berg, agent for DPW Heber Inc., is requesting a Master Plan amendment for the Saddle Creek Ranch Planned Unit Development. The proposal is a large-scale subdivision that is 32 acres in size that would be developed in four phases containing a total of 36 lots. The property is located at 970 South 250 West and is in the R-1-22 zone.

---



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** April 9, 2019

**NAME OF PROJECT:** Saddle Creek Subdivision

**NAME OF APPLICANT:** DPW Heber Inc.

**AGENDA ITEM:** Master Plan

**LOCATION OF ITEM:** 970 South 250 West

**ZONING DESIGNATION:** R-1-22

### **ITEM: 5**

Paul Berg, agent for DPW Heber Inc., is requesting a Master Plan amendment for the Saddle Creek Ranch Planned Unit Development. The proposal is a large-scale subdivision that is 32 acres in size that would be developed in four phases containing a total of 36 lots. The property is located at 970 South 250 West and is in the R-1-22 zone.

### **BACKGROUND:**

Paul Berg is proposing Master Plan approval of Saddle Creek which will replace the existing recorded plat of Saddle Creek Planned Unit Development (PUD). They would like to vacate the existing recorded plat from a PUD that contains 57 building pads to a standard subdivision that would contain 36 half-acre lots and open space. The proposal is 31.99 acres and will be developed as a large-scale standard subdivision which will be developed in four phases. There will also be 6.18 acres of open space (19.32%) that will mostly be placed along the frontages of 250 West and 970 South that will help create a more open corridor and help preserve a rural atmosphere for the area. The proposal also contains less acreage than the recorded plat because the developer would like to sell 2.36 acres to a neighboring property owner.

The plat for Saddle Creek Ranch PUD was recorded on September 5, 2007. A development agreement was also recorded that same day which contains obligations such as the following:

- Affordable housing - \$2,800 per unit
- Off-site improvements – construction of improvements to 970 South and Center Street along with the City reimbursing the developer up to \$156,750 that would be collected from transportation impact fees from the 57 building permits in the development.
- Water line extension payments – a payment for the water line in 250 West for \$5,776.38 and a payment for the water line in Center Street for \$40,943.39. Both payments would be a pass through to the holders of the extension line agreements.
- Construction of the half of 250 West along the development frontage.
- Construction of the full road along 970 South along the development frontage.
- A center turn lane on Center Street
- Moving the transmission lines along 970 South to accommodate the full width road for 970 South
- Other requirements listed in the agreement.

According to the 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 and recorded plat or development agreement.

The proposed plan contains four phases. Phase 1 consists of nine lots. Also, 31% of the open space for the entire development will be dedicated in the first phase. The second phase contains 13 lots. The third phase contains four lots. And the final phase contains 10 lots.

There are four roads and four cul-de-sacs planned in the subdivision. One road will access from 250 West and another road connects to 970 South. One temporary turnaround will be required as part of phase 1.

The Land Use Code requires that a Master Plan request must demonstrate that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed. Therefore, the Master Plan application must demonstrate that sufficient property, water rights, roads, sensitive lands protection, and open space are proposed with the first phase to allow the project to function without subsequent phases.

#### **LAND USE SUMMARY:**

- 31.99 acres
  - 2.36 acres will be sold to a neighbor
  - The recorded plat contains 34.35 acres

- R-1-22 zoning
- Proposal contains 36 lots
- Four phases
  - Phase 1 – 9 lots
    - 3.26 acres of open space
  - Phase 2 – 13 lots
    - 2.92 acres of open space
  - Phase 3 – 4 lots
  - Phase 4 – 10 lots
- Project is a standard subdivision
- Public roads maintenance will be the responsibility of the City
- The lots will connect to the Midway Sanitation District sewer and to the City’s water line.
- No sensitive lands have been identified on the property

**ANALYSIS:**

*Open Space* – The code requires that with each phase that is approved there is enough open space to comply with the requirements of the code. For example, phase I must have at least 15% open space for that phase. If phase 1 has 75% open space, then phase 2 only needs to have 25% open space as long as both phases are equal in acreage. The proposal shows 6.18 acres as open space that will mostly be placed along the frontages of 250 West and 970 South that will help create a more open corridor and help preserve a rural atmosphere for the area. All the open space will be dedicated in phases one and two which complies with the requirements of the code.

*Water* – The original developer of the property tendered 109.5-acre feet to the City to comply with the culinary and secondary water requirements. Using current City water requirements, the proposal water requirement is in the range of about 106-109-acre feet (developer has not provided an acreage amount in the park strip making an exact calculation not possible as of the writing of this report).

*Sensitive lands* – Per the recorded plat, no sensitive lands have been identified. A geotechnical study was submitted to the City that Horrocks Engineers is reviewing.

*Potential view impacts from surrounding property owners* – The current recorded plat has 57 pads and a structure can be as high as 35’ on each pad. Each pad is surrounded

by open space and no structures can be located in that open space except for the clubhouse that is shown on the plat. A neighboring property owner can easily see the view corridor based on the recorded plat. If the master plan is approved, then the view corridor is not as certain. Since the proposal is a standard subdivision then the setback requirements for the code will apply. Accessory structures will be allowed on all lots if the structure complies with the setbacks and height requirements. This will make surrounding neighbors less certain what the view corridor will be.

*Timing of off-site improvements* – The current recorded plat has no phasing. All on-site and off-site improvements are required in one construction period. The developer will need to build all infrastructure in the subdivision at one time along with all off-site improvements that include the widening of 250 West, construction of 970 South, moving the existing transmission lines, and improvements to Center Street. Staff recommends that all the off-site improvements are constructed with phase 1 to assure that those improvements will be made. It is possible that if the improvements are not required with phase 1 then the improvements will not be constructed if future phases are never constructed.

*Timing of approvals* – Staff is recommending that the plat is not recorded, or a preconstruction meeting held until the transmission lines along 970 South are moved or buried. Approvals for master plan would be allowed and preliminary and final approvals per phases would be allowed but no construction would be allowed until the transmission lines are moved or buried. Staff is concerned that if construction is allowed before the transmission lines have been accommodated for the road then homes will be constructed and sold before improvements are made along 970 South.

*Setbacks from 250 West and 970 South* – The current plat has a large setback from the two surrounding collector roads. If the plan is changed, the large setback should remain intact to help create a more open corridor and help preserve a rural atmosphere for the area.

*Trails* – Midway's Master Trail Plan requires 8' wide paved public trails along 970 South and 250 West. The developer will also build 5' wide sidewalks in the development which in some areas will meander much like a trail. The approved plat from 2007 had a public trail along the north boundary of the property that will be removed with the proposed plan. Staff is recommending that in exchange for the allowing the removal of the public trail on the north boundary, all the proposed trails and sidewalks are public. Also, the trail between lots 7 & 17 and the trail from the cul-de-sac to lot 24 are public but maintained by the HOA.

*Removal of 2.36 acres* – The developer is proposing to reduce the acreage in the proposal from 34.35 acres to 31.99 acres. This is a reduction of 2.36 acres. With the recording of the 2007 plat, water was tendered to the City for the entire development including the 2.36 acres. If the proposal is approved, then the 2.36 acres will not be included in a recorded plat, but the City owns the water to the area. The Water Board discussed this situation and arrived at two suggestions of how to proceed. The first is to have a perpetual lease recorded towards the property that will assure the water is

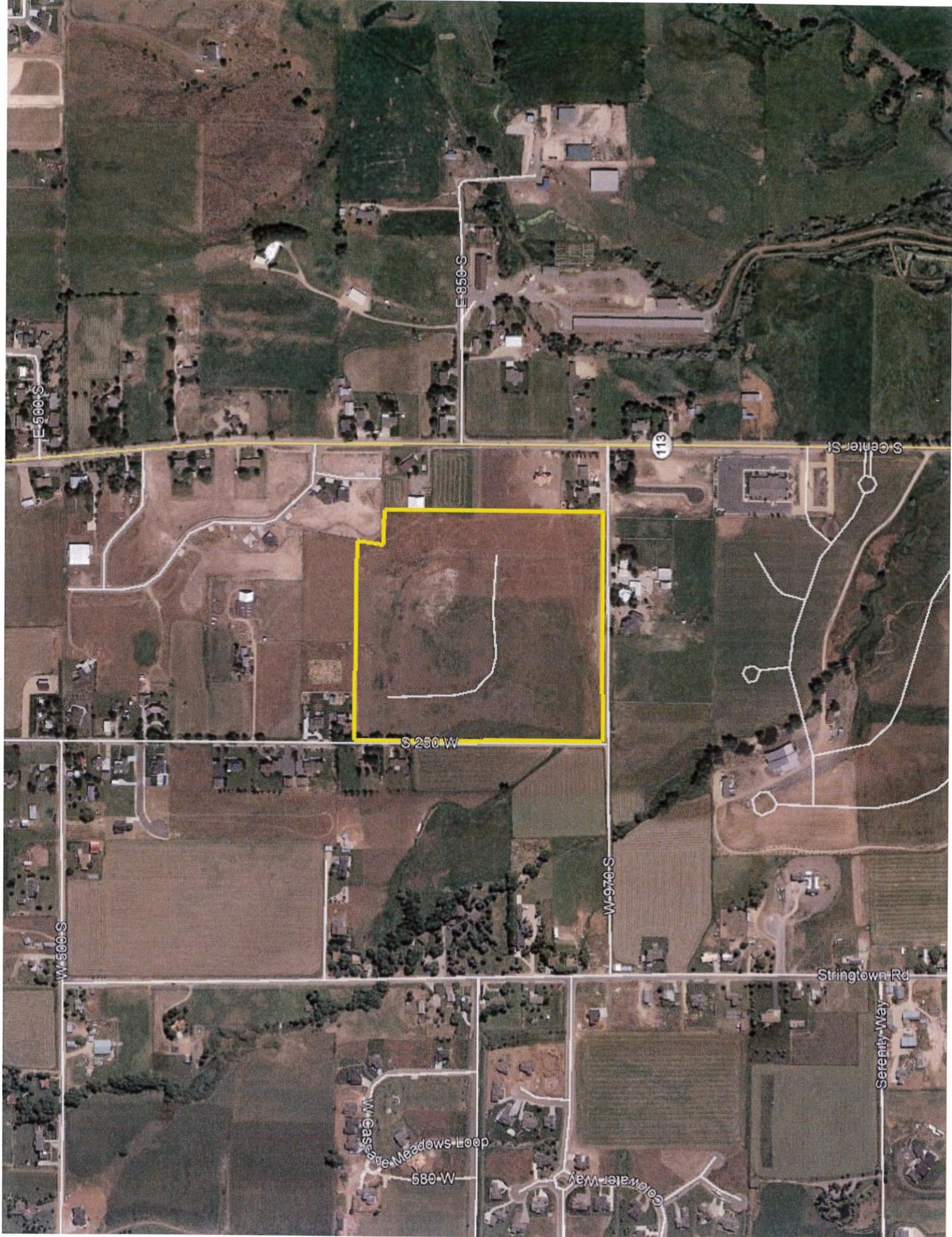
always assigned to the 2.36 acres. If the 2.36 acres is ever developed, then the water will be credited to the future development. Option two is to swap the water from the property with a future development somewhere in the City. The City will credit 2.36 acres of irrigated area and the developer of the future subdivision will give the equivalent water rights to the owner of the 2.36 acres. The City, in almost every circumstance, only owns water in recorded subdivisions and option two would allow follow the same precedent.

#### **PROPOSED FINDINGS:**

- The proposed master plan appears to meet the requirements of the code except for street lengths.
- The proposal does meet the vision as described in the General Plan for the R-1-22 zone.
- The General Plan supports reducing density in Midway wherever appropriate
- The proposal contains 21 less lots than the recoded PUD subdivision

#### **ALTERNATIVE ACTIONS:**

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s) if needed
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - 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. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial



E 500 S

E 850 S

113

S Center St

S 250 W

W 500 S

W 970 S

Stringtown Rd

W Gate Meadows Loop

680 W

Coleridge Way

Serenity Way



**LAND USE CALCULATIONS:**

TOTAL AREA	31.98 AC
# OF LOTS	36 LOTS
OPEN SPACE	6.18 AC (19.32%)
ZONE	(15% REQUIRED)
MIN. LOT SIZE	0.50 AC
MIN. FRONTAGE	110.03'
ADDITIONAL OPEN SPACE ABOVE 15%	(FRONTAGE REDUCED BY 4.32%)

THIS DOCUMENT IS PREPARED FOR REVIEW ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. UNLESS SPECIFICALLY NOTED OTHERWISE. DATE: 22 JAN 2017

WATKINS  
SADDLE CREEK SUBDIVISION  
CONCEPT PLAN

BERG ENGINEERING  
1800 E. MAIN ST., SUITE 204  
DENVER, CO 80202  
TEL: 303.733.8779  
FAX: 303.733.8778

DESIGN BY: CSB  
DRAWN BY: CSB  
DATE: 21 JAN 2017  
SHEET: 1





CHASE	LOTS
1	1-9
2	10-19 & 34-36
3	20-23
4	24-33

PHASING PLAN:	TOTAL AREA	OPEN SPACE/PHASE	TOTAL OPEN SPACE
1	10.37 AC	3.26 AC	3.26 AC (31.44%)
2	10.37 AC	1.00 AC	6.18 AC (59.32%)
3	2.80 AC	0.00 AC	0.00 AC
4	6.35 AC	0.00 AC	6.18 AC (96.32%)
<b>TOTAL</b>	<b>31.99 AC</b>	<b>6.18 AC</b>	<b>6.18 AC (18.32%)</b>

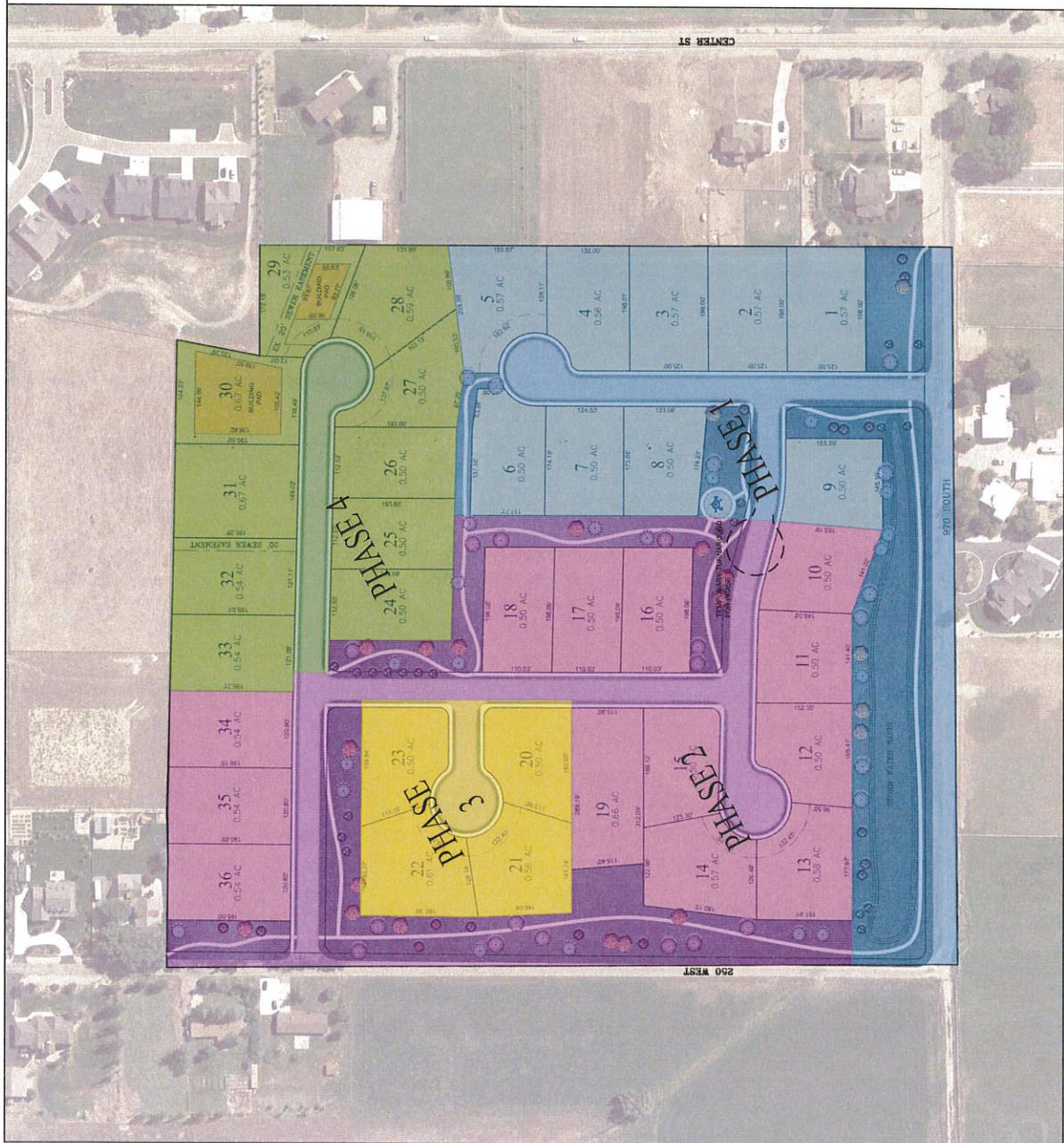
THE COUNCIL OF PLANNERS FOR THE COUNTY OF HAWAII, INC. HAS REVIEWED THIS PLAN FOR CONFORMANCE WITH THE SUBDIVISION ACT AND LOCAL ORDINANCES. THIS REVIEW IS LIMITED TO TECHNICAL ASPECTS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

PAUL S. BERT  
 LICENSE NO. 1461  
 DATE: 23 MAR 2018

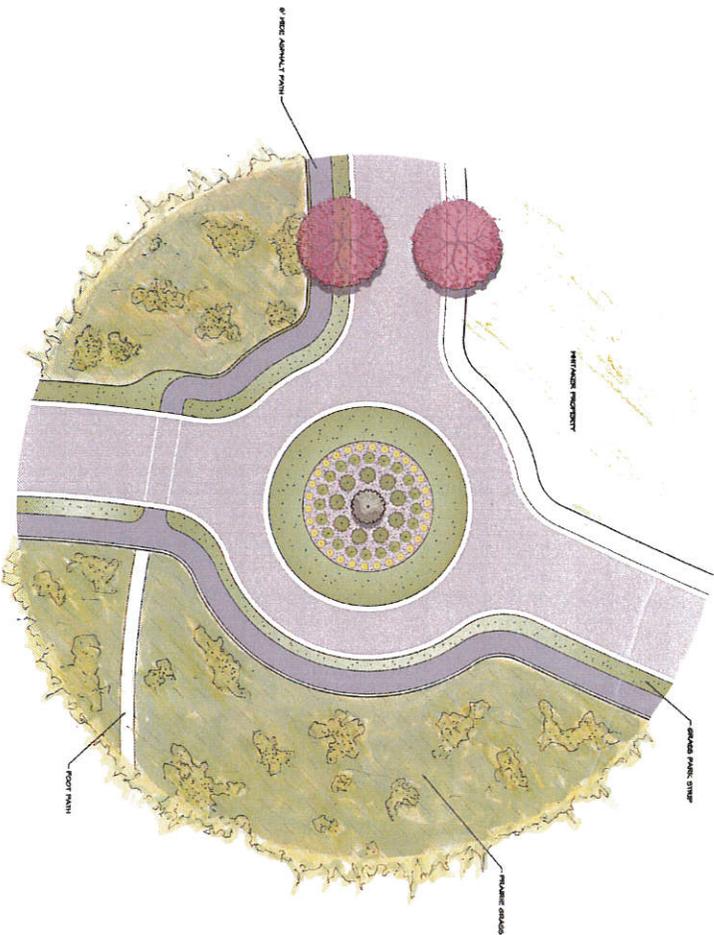
WATKINS  
 SADDLE CREEK SUBDIVISION  
 PHASING PLAN

BERG ENGINEERING  
 380 E. MAHOLE ST. SUITE 204  
 HONOLULU, HI 96813  
 PH: 832.577.9949

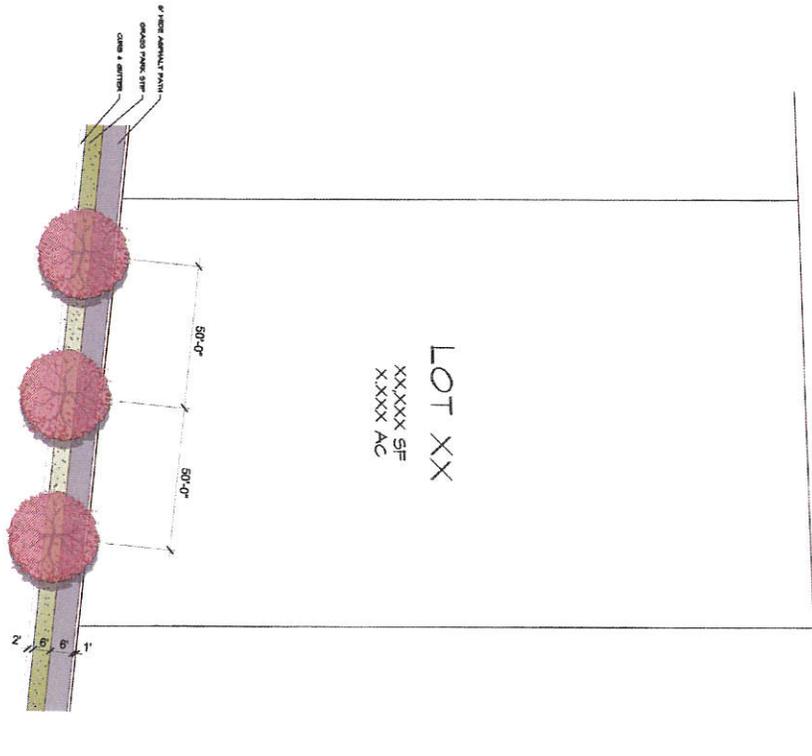
DESIGNED BY: [ ] DATE: 12/08/2017  
 DRAWN BY: CNB REV: [ ]  
 SHEET: 3



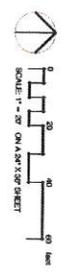




ROUNDABOUT ENLARGEMENT



PARK STRIP ENLARGEMENT TYPICAL



WHITAKER FARM  
MIDWAY, UT

SEAL: DRINKING LOGS



TITLE: LANDSCAPE ENLARGMENTS

PROJECT: 11.01



PROJECT C18-004 SHEET C102	PROJECT WHITAKER FARMS SUBDIVISION PHASE 1	PROJECT ENGINEER STAFF	PROJECT MANAGER STAFF	DRAWN BY: STAFF	CHECK DATE: 03/13/2019	DESIGN ENGINEER	COPYRIGHT © 2018 SUMMIT ENGINEERING GROUP, INC. ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM SUMMIT ENGINEERING GROUP, INC.	Summit Engineering Group Inc. STRUCTURAL • CIVIL • LAND SURVEYING 50 WEST 40TH ST. • P.O. BOX 176 HENRIK CITY, WYOMING 82422 P: 435-654-9228 • F: 435-654-8824
	SHEET TITLE EXISTING CONDITIONS/SWPPP	PROJECT ENGINEER STAFF						

April 9, 2019

Midway City  
Attn: Michael Henke  
75 North 100 West  
Midway, Utah 84049

**Subject: Saddle Creek Master Plan Amendment**

Dear Michael:

Horrocks Engineers recently reviewed the Saddle Creek Master Plan Amendment. The following issues should be addressed.

General Comments

- The proposed development is West of 250 West and north of 970 South. The proposed plan includes 36 units. This plan would replace the existing 57 unit PUD. The timing of each of the off-site improvements should be addressed with the Master Plan Amendment.

Water

- An extension line agreement is in place for the existing 12-inch water line within 250 West and the 12-inch line in Center Street. Reimbursement of the fees should be addressed with Master Plan approval.

Roads

- The following comment are a part of the May 16, 2007 Final Engineering Review letter. *“Due to the amount of traffic this subdivision will generate, both entering and exiting Center Street, the traffic study has determined that off-site street improvements will be required. A left hand turning lane will be required on 970 south. Center Street will require both a center left hand turning lane and a right hand deceleration lane, as approved by UDOT. The developer will be required to construct the off-site improvements as the development is constructed. The developer will then be credited the transportation impact fee as building permits are issued... the developer will be credited the full off-site street cost, or the street impact fee will be credited for all the street impacts within this development.”*

However, City Council has agreed to not require the low income housing fee, in exchange the street impact fee will not be credited back to the developer.

Trails:

- The trails outside the standard 5' sidewalk should be private trail with a public easement. An easement should be provided over any sidewalk outside the standard 56' right-of-way.

Millie and Roger Medby are requesting a Conditional Use Permit for a mixed-use development on their property that will include a business and a residence. The two properties are located at 35 North Center and 45 North Center and are in the C-3 zone.

---

Millie and Roger Medby are requesting preliminary approval for a Planned Unit Development that will contain two lots on their property that will include a business and a residence. The two properties are located at 35 North Center and 45 North Center and are in the C-3 zone.

---



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** April 9, 2019

**NAME OF PROJECT:** Mixed Use Project and Planned Unit Development

**NAME OF APPLICANT:** Millie and Roger Medby

**AGENDA ITEM:** Conditional Use Permit and Planned Unit Development

**LOCATION OF ITEM:** 35 North and 45 North Center Street

**ZONING DESIGNATION:** C-3

### **ITEMS: 6 & 7**

Millie and Roger Medby are requesting a Conditional Use Permit for a mixed-use development on their property that will include a business and a residence. The two properties are located at 35 North Center and 45 North Center and are in the C-3 zone.

Millie and Roger Medby are requesting preliminary approval for a Planned Unit Development that will contain two lots on their property that will include a business and a residence. The two properties are located at 35 North Center and 45 North Center and are in the C-3 zone.

### **BACKGROUND:**

Roger and Millie Medby are requesting a Conditional Use Permit (CUP) and a Planned Unit Development (PUD) on two properties they own located at 35 North Center and 45 North Center Street. Both properties are in the C-3 zone and both have been commercial businesses for the past several years. The C-3 zone allows for mixed use developments in the commercial zones if approved as a CUP. The Medbys are proposing to combine their properties into one mixed use development though the two lots would remain separate but combined as a two-unit mixed-use planned unit development. This would allow the

northern most structure (red building) to become a residential unit while the southern structure (gray building) would be deed restricted as a commercial building. With this proposal, the two properties would be bound together with commercial square footage requirements that would be required with the conditional use permit and through a deed restriction. Also, the codes, covenants, and restrictions (CCRs) would tie the properties together. There are mixed-use development requirements that would all need to be met that include minimum frontage width and square footage minimums for commercial uses.

For properties less than an acre, the mixed-use requirements are the following:

- 1. Lots less than one acre:*
  - a. Frontage: 70 feet*
  - b. One single-family dwelling (above, behind or detached)*
  - c. A minimum of 20 percent of the gross square feet of all structures on the lot must be deed restricted as commercial.*

Since the acreage of the combined parcels is 0.31 acre only one residential unit is allowed by the code. The combined frontage for the two lots is about 140' which is greater than the 70' requirement. The final requirement is that 20% of the square footage of the structures is deed restricted as commercial. The square footage of the red structure is 1,927 square feet and the square footage of the grey structure is 1,424. The square footage total for the two structures is 3,351 square feet. The 20% commercial minimum requirement is 670 square feet. The Medbys are proposing that the grey structure is deed restricted as commercial so that the red structure can be converted to a residence.

It is unknown what commercial business will take place in the grey structure. Any future business owner will be required to have a business license and comply with the zoning code for the future use. The property owner has confirmed that there are seven stalls that are shared between both the structure which should be sufficient for almost any future business use.

This item has been noticed in the local newspaper for two weeks and in the State's website for the Planning Commission meeting. Mailed notice will be sent out to all property owners within 600' before the public hearing by the City Council.

#### **ANALYSIS:**

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all the applicable provisions of this Code; *planning staff believes that the proposal will not impair the integrity and character of the C-3 zone. The proposal appears to comply with the requirements specific to mixed-use projects as listed on the Municipal Code.*
2. The proposed use is consistent with the General Plan; *the proposed uses do comply with the vision of Main Street described in the General Plan. The General Plan promotes an active and vibrant commercial area and this proposal does promote that vision by containing both commercial and residential.*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the business is required to have approved business license with the City. The business will need to apply for a license, and it will be issued once all the requirements are met such as the issuance of the Conditional Use Permit among other requirements.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *none have been identified.*
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *none have been identified.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for this type of use.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and safety; *utilities are already in place to service the proposed uses.*

**POSSIBLE FINDINGS:**

- The proposed use is a conditional use in the C-3 zone.
- The proposal is consistent with the vision of the General Plan for Main Street.

**ALTERNATIVE ACTIONS:**

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
  
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - 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. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

1. Occupancy is not allowed until all construction plans have been prepared by a registered architect and have been approved, construction has been completed by a licensed contractor and that work has been inspected and passed by the City, and the Certificate of Occupancy has been issued.
  
2. Occupancy is not allowed until a deed restriction that has been reviewed by the City is recorded towards the southern parcel that restricts the structure to approved commercial uses.
  
3. The draft CCRs that have been submitted to the City have been reviewed by the City attorney to determine that they are sufficient to assure compliance with the State code and City code.

