

Midway City Council  
23 April 2019  
Regular Meeting

Pelo Subdivision /  
Culinary Water Service

# Memo



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Date: April 23, 2019  
To: Midway City Council  
From: Michael Henke  
Re: Brad Pelo Annexation culinary water connection petition

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Brad Pelo has requested culinary connections to the City's water system though his property is not located within the Midway City limits. His property is located south of the Fox Pointe subdivision and is 24 acres. Currently there is one dwelling on the property that is connected to a well. Mr. Pelo would like to develop the property into a relatively low density five lot subdivision. He would like to demolish the existing dwelling and build a new home on the property while he pursues approval of the subdivision in Wasatch County. For the County to approve the subdivision, culinary water and fire flow must be confirmed. Mr. Pelo is petitioning the Midway for ability to provide both culinary service and fire flow so he can proceed with his plans. Staff and the applicant have discussed the issue and arrived at some conditions that the City Council may consider.

1. Mr. Pelo shall petition for annexation of all 24 acres within 30 days of the subdivision approval by Wasatch County.
2. Midway engineering staff, along with Wasatch County engineering staff, will inspect and approve all infrastructure for the subdivision to assure the City will receive improvements that are acceptable when the property is annexed.
3. An out of pocket account is established by the applicant to pay for the engineering review and inspections for the subdivision by Midway engineering staff.
4. The five lots are deed restricted at the time the plat is recorded so that none of the five lots will ever be subdivided. Also, a note is recorded on the plat to the same effect. The maximum density of five lots and five dwellings will remain in perpetuity on the 24 acres. This is the same process that the Rural Preservation subdivision requires and is in the spirit of what Mr. Pelo is trying to accomplish as you will find as you continue to read.

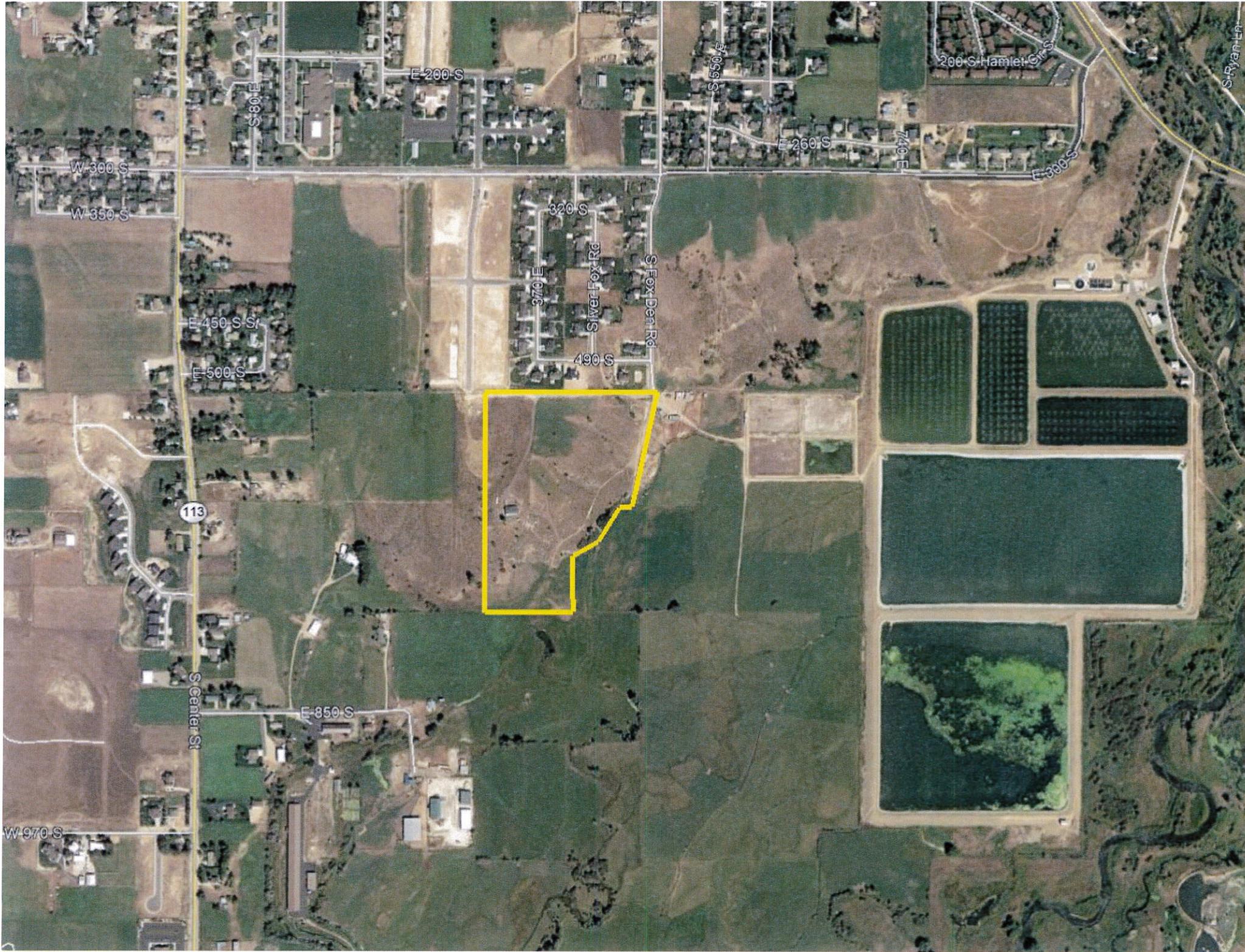
5. An agreement is created by Midway's attorney outlining the required conditions and the agreement is signed before a "will serve letter" is drafted. Also, the aforementioned out of pocket account has sufficient funds to pay for any attorney fees for the time and drafting of the agreement.

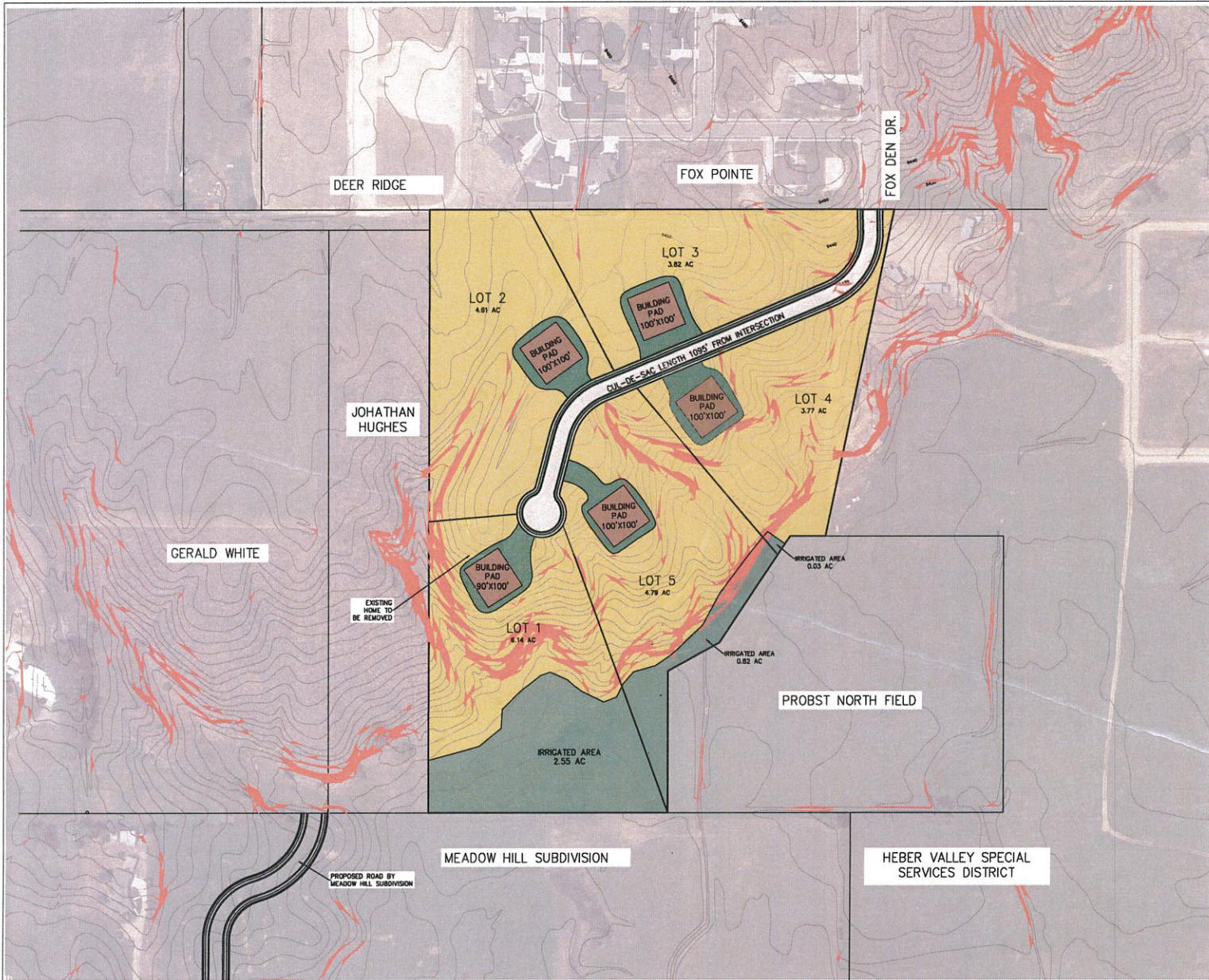
Mr. Pelo submitted the following explanation in his request:

*I am the new owner of the 24-acre Daryl Stubbs property on the southern Midway City boundary (520 S 500 E) bordering the Fox Pointe subdivision. I am currently in the process of engineering a 5-lot small subdivision in the spirit of Midway's own "rural preservation" ordinance. I expect to submit my plan and application to Wasatch County within the next 30 days. I am requesting a "Will Serve" commitment from Midway City for culinary water for the new subdivision. If granted I agree to begin annexation proceedings into Midway City not later than 30 days after Wasatch County's approval of the subdivision. The reason for the request at this time is because we intend to begin construction of our new home this summer at the site of the existing Stubbs' home and would like to be able to file both the subdivision plan and our home building permit with Midway City's "will serve" commitment in place.*

There are a couple of discussion points to consider.

- The City's master road plan shows a connection from Michie Lane to 850 South. The applicant's property is one of three routes that could accommodate this future connection. The other two are farther west. One potential connection is from the stub road in the Deer Creek Estates subdivision on 300 East. The other is a future road at about 200 East that is partially on the property owned by the Church of Jesus Christ of Latter Day Saints. Any of the three routes would meet the City's goal of connecting Michie lane to 850 South. It has been discussed that because of the relatively low density of the proposal that the connecting road be moved to the west where more density will be most likely located.
- The City's master trail plan shows a connection along a portion of the eastern boundary of the applicant's parcel. The City could require a public trail easement and also the trail itself as a condition of approval.





**LEGEND**

- 25% SLOPE OR GREATER
- NON-IRRIGATED IN LOT
- IRRIGATED AREA
- BUILDING PAD

**LAND USE TABLE**

ZONE	RA-1
MINIMUM ALLOWED LOT SIZE	1 ACRE
MINIMUM ALLOWED LOT WIDTH	200'

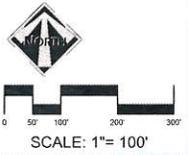
**HISTORICALLY IRRIGATED AREA**

LOT 1	2.55 ACRES
LOT 4	0.82 ACRES
LOT 5	0.82 ACRES
<b>TOTAL</b>	<b>3.40 ACRES</b>

LOT	WATER FOR INSIDE USE	IRRIGATED AREA	WATER FOR OUTSIDE AREA	TOTAL WATER RIGHTS
1	0.80 AF	2.50 ACRES	0.40 AF	9.20 AF
2	0.80 AF	0.25 ACRES	0.75 AF	1.50 AF
3	0.80 AF	0.25 ACRES	0.75 AF	1.50 AF
4	0.80 AF	0.25 ACRES	0.84 AF	1.84 AF
5	0.80 AF	1.07 ACRES	3.21 AF	6.01 AF
	4.00 AF		13.95 AF	17.95 AF

**NOTES:**  
 ALL LOTS HAVE 0.25 ACRES OF IRRIGATED AREA AROUND THE HOME AS REQUIRED BY WASATCH COUNTY.  
 THIS PROPERTY HAS 8 SHARES OF MIDWAY IRRIGATED OR 18.00 AF. PROJECT REQUIRES 17.95 AF.

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.  
 PAUL B. BERG, P.E.  
 SERIAL NO. 28598  
 DATE: 22 MAR 2018



BRAD PELO  
**STUBBS PROPERTY**  
 CONCEPT PLAN #2

**BERG ENGINEERING**  
 380 E Main St, Suite 204  
 Midway, UT 84019  
 ph 435-627-9749

DESIGN BY: PDB	DATE: 22 MAR 2018	SHEET
DRAWN BY: CNB	REV:	1

Mayor  
Celeste Johnson  
City Council  
Lisa Christen • Jeff Drury  
Bob Probst • JC Simonsen  
Ken Van Wagoner



75 North 100 West  
P.O. Box 277  
Midway, Utah 84049  
Phone: 435-654-3223  
Fax: 435-654-4120  
midwaycityut.org

## Request to be on a City Council Agenda

Name: Brad Pelo Organization: Self

Phone: 801-201-2565 Email: bradpelo@gmail.com

Mailing Address: 1064 N Mill Rd City: Heber City

State: Utah Zip: 84032

### Reason for Request:

I am the new owner of the 24 acre Daryl Stubbs property on the Southern Midway City boundary (520 S 500 E) bordering the Fox Pointe subdivision. I am currently in the process of engineering a 5 lot small subdivision in the spirit of Midway's own "rural preservation" ordinance. I expect to submit my plan and application to Wasatch County within the next 30 days.

I am requesting a "Will Serve" commitment from Midway City for culinary water for the new subdivision. If granted I agree to begin annexation proceedings into Midway City not later than 30 days after Wasatch County's approval of the subdivision.

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### Please Note:

1. This is a general application. Specific applications are required for land use approvals, conditional use permits, etc.
2. Return this completed application to the city recorder's office or email to [bwilson@midwaycityut.org](mailto:bwilson@midwaycityut.org).
3. You will be notified within 2 weeks if your request to be on the agenda is approved or declined.
4. City council regular meetings are held on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of each month at 6:00 p.m. in the Midway Community Center (160 West Main Street). City council work meetings are held the same days at 10:00 a.m. in the Midway City Office Building (75 North 100 West). Your item will be considered at both meetings.
5. Please provide supplemental information for your item no later than the Thursday before the meeting. This information will be provided to the Council prior to the meeting.

### For Office Use Only

Date Received: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Meeting Date: \_\_\_\_\_