

Midway City Council  
19 November 2019  
Regular Meeting

Saddle Creek Ranch, Phase 1 /  
Final Approval



**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** November 19, 2019

**NAME OF PROJECT:** Saddle Creek Subdivision

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

**AGENDA ITEM:** Phase 1 Final

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

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

**ITEM: 6**

Paul Berg, agent for DPW Heber Inc., is requesting final approval of phase 1 of the Saddle Creek Ranch subdivision. Phase 1 includes nine lots on 10.37 acres. The property is located at 970 South 250 West and is in the R-1-22 zone.

**BACKGROUND:**

Paul Berg is proposing approval of Phase 1 of Saddle Creek master plan that was given preliminary approval by the City Council on June 7, 2019. The proposed plan will replace the existing recorded plat of Saddle Creek Planned Unit Development (PUD) once that plat is officially vacated. Phase 1 consists of nine lots on 10.37 acres (9.84 acres after road dedication) and is the first of four phases included in the master plan.

Phase 1 is located in the southeast section of the master plan. It includes nine lots, public streets, public trail, 970 South road improvements, a tot lot and open space that will be owned by the homeowner's association. There will also be a temporary turnaround that will built and remain until phase 2 is constructed.

## LAND USE SUMMARY:

### Phase 1

- 9.84 acres
- R-1-22 zoning
- Nine lots
- 2.91 acres of open space (29.57%)
- 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

### Master Plan

- 31.99 acres
- 36 lots
- Four phases
  - Phase 1 – 9 lots
  - Phase 2 – 13 lots
  - Phase 3 – 4 lots
  - Phase 4 – 10 lots

## ANALYSIS:

*Open Space* – Phase 1 includes 2.91 acres of open space which is 29.57%. Each phase is required a minimum of 15% open space.

*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. It appears the developer has tendered enough water to the City for the entire development

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

*Phase 1 improvements* – The developer is required to move or bury the transmission lines that run along 970 South as a requirement for phase 1. 970 South will also need to be built to its full width as part of Phase 1. Also, improvements to the intersection of Center Street and 970 South are required with this phase.

*Timing of approvals* – The developer is allowed to receive approvals for any of the phases in the master plan, but no plat map can be recorded, or any construction of improvements can be made, until the transmission line along 970 South until the transmission lines along 970 South in the process of being buried or being moved so that 970 South can be constructed to its planned width.

*Trails* – The develop will construct an 8' wide paved trail along 970 South from Center Street to 250 West. There is also a combination of public trails and sidewalks located in Phase 1. The one trail that is not a public trail, which will be maintained by the HOA, is located between lots 5 and 6 and heads to the west.

*Water extension line agreements* – The develop is required to pay fees for a water extension line agreement for a water line in 250 West for \$202.68 per connection and a payment for the water line in Center Street for \$1,436.61 per connection. Both payments would be a pass through to the holders of the extension line agreements. Staff and the applicant's representative have discussed the timing of the payments. Staff has suggested a one-time payment for both agreements take place before the recording of Phase 1. The applicant's representative has suggested that payment is made at a prorated share, per plat, based on the number of lots in each plat. There are two identified issues with the prorated plan. First, tracking the payments over multiple years will require careful tracking. Second, the water extension line agreements most likely will expire before the final payments are made. This issue will need to be decided before approval of Phase 1.

Staff has further researched this issue and found language in both water extension agreements that states that the collection funds "shall be made in one lump sum at the beginning of each project."

#### **PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Bouwhuis: I make a motion approval of phase 1 of the Saddle Creek Ranch subdivision. Phase 1 includes nine lots on 10.37 acres. The property is located at 970 South 250 West and is in the R-1-22 zone. With the condition that developers are allowed to work with the developers to extend the payment of the water line agreement and the condition of The developer will work with the post office to find a location, out of the sight visibility triangle, for the Cluster Box Unit that will service the subdivision and submit that plan to the City.

**Seconded:** Commissioner

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

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Streeter, Payne, Ream, O'Toole, Nicholas, Bouwhuis

**Nays:** None

**Motion: Passed**

### **PROPOSED FINDINGS:**

- The proposed plans for phase 1 comply with the requirements of the land use code.
- The proposal does meet the vision as described in the General Plan for the R-1-22 zone.
- Road improvements along Center Street and 970 South will benefit the community in general
- The public trail built along 970 South will help complete the master trail plan that will benefit members of the community

### **ALTERNATIVE ACTIONS:**

1. Approval (conditional). This action can be taken if the City Council finds the application 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 City Council finds 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. Denial. This action can be taken if the City Council finds that the request does not comply with the requirements of the Land Use Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

1. Required water extension line agreement fees are paid for all 36 lots before the recording of the plat for Phase 1.
2. The developer will work with the post office to find a location, out of the sight visibility triangle, for the Cluster Box Unit that will service the subdivision and submit that plan to the City.

June 18, 2019

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

**Subject: Saddle Creek – Phase 1 – Preliminary Review**

Dear Michael:

Horrocks Engineers recently reviewed the Saddle Creek Phase 1 plans for the Preliminary Review. The following issues should be addressed.

**General Comments**

- Phase 1 contains 9 units. All existing utilities within 970 South need to be shown as installed per Wright Subdivision record drawings. All new utilities to be connected to those existing utilities

**Water**

- The proposed development will be served from the Gerber Mahogany pressure zone. The water line will connect to existing 8" water line stub from Wright Subdivision utilities.
- 12" Water line is required to be installed in 970 South on west side where the Wright Subdivision ended the water line. This needs to be installed before 970 South Roadway is constructed in this phase.

**Roads**

- The proposed road within Phase 1 will be a 56' public right-of-way, with a cul-de-sac to the north and a temporary turnaround at the phase line.
- 970 South Roadway will be rebuilt and widened to 30' of asphalt from Center Street to 250 West.
- The Center Street improvements shall be shown on the approved Preliminary plans.

**Trails:**

- An 8' public trail is shown adjacent to 970 South from Center Street to 250 West. 8' trail is also shown within the subdivision.

**Storm Drain**

- The storm water within this phase will be collected within the proposed curb & gutter and discharged to the proposed catch basins and the proposed retention ponds.
- The storm drain calculations for all phases of the subdivision will need to be shown in this phase since all of the storm water is collected within Phase 1.

**Landscaping**

- The proposed landscaping cost shall be included within the improvements bond.

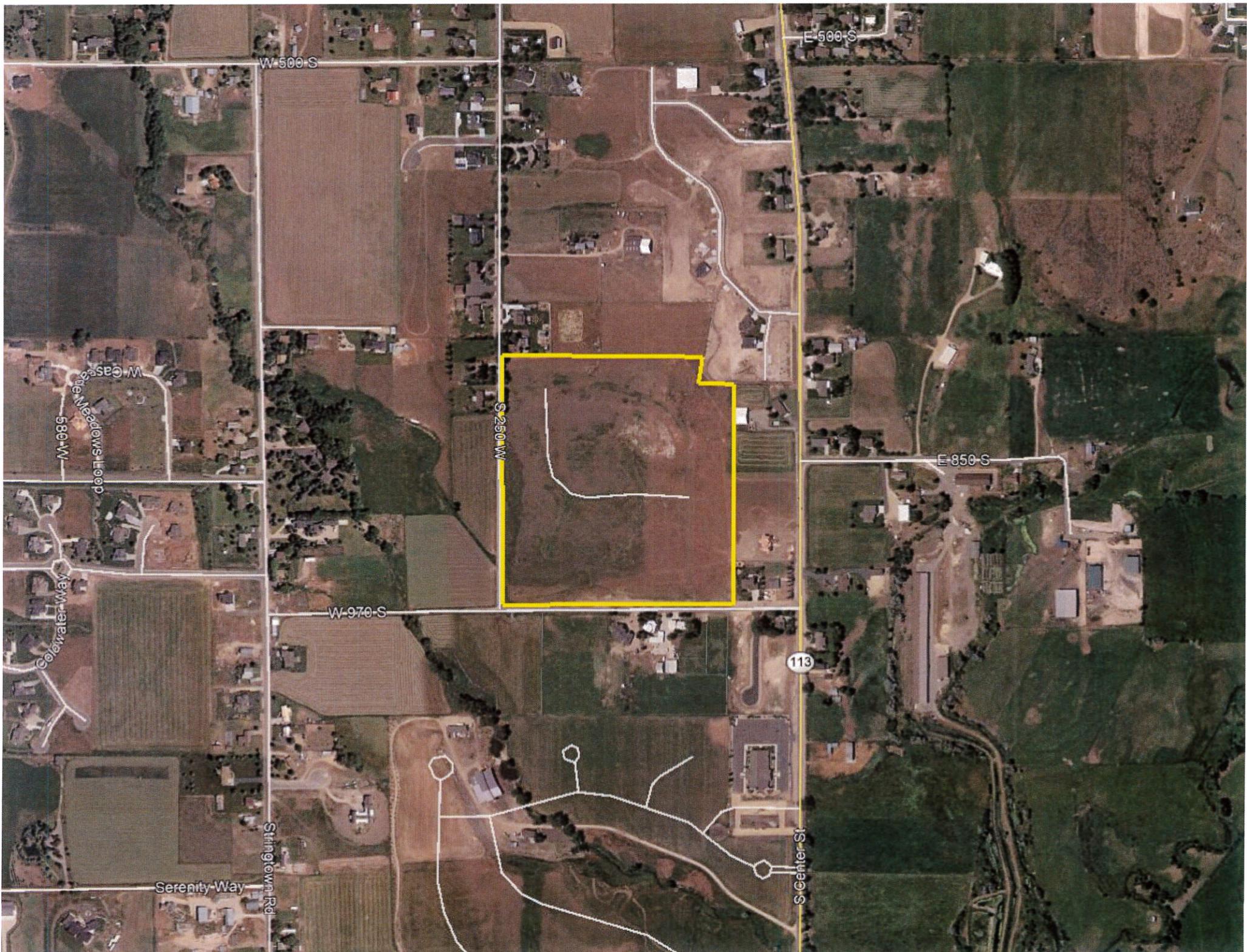
Please feel free to call our office with any questions.

Sincerely,  
HORROCKS ENGINEERS

A handwritten signature in blue ink, appearing to read "Wesley Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Wesley Johnson, P.E.  
Midway City Engineer

cc: Paul Berg Berg Engineering



W-500-S

E-500-S

W-580-W

W-850-W

Waterway

W-970-S

S-250-W

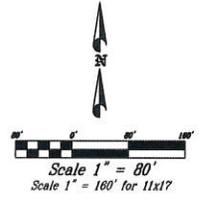
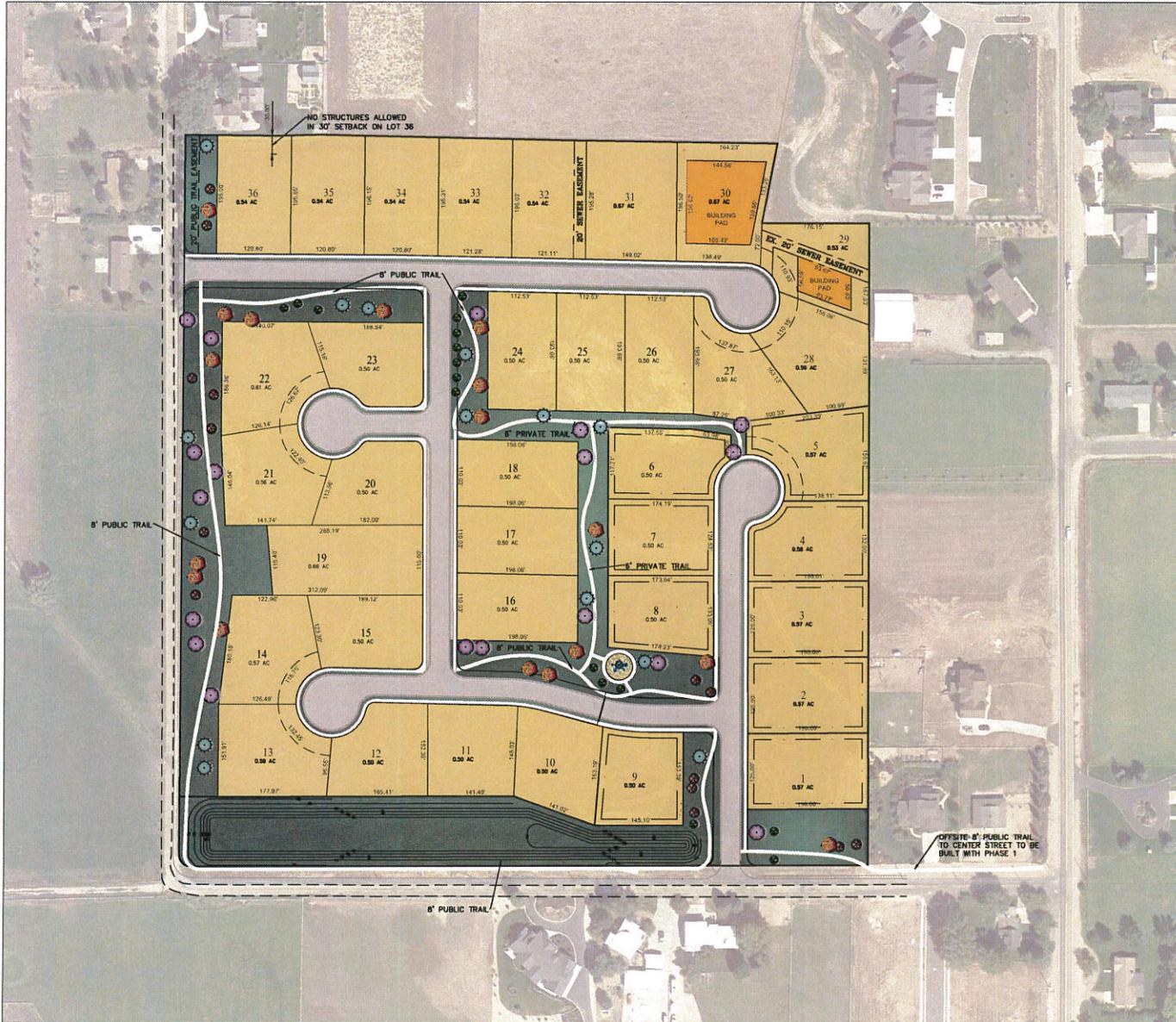
113

E-850-S

Serenity-Way

Stringtown Rd

S-Center-St



**LAND USE CALCULATIONS:**

TOTAL AREA	30.38 AC
# OF LOTS	36 LOTS
OPEN SPACE	6.26 AC (20.61%)(15% REQUIRED)
ZONE	R-1-22
MIN. LOT SIZE	0.50 AC
MIN. FRONTAGE	110.03'
(FRONTAGE REDUCED BY 4.32% ADDITIONAL OPEN SPACE ABOVE 15%)	

**NOTE:**  
 REQUIRED 115' OF FRONTAGE IN R-1-22 ZONE HAS BEEN REDUCED BY THE EXTRA 4.32% OF OPEN SPACE. ALLOWED MINIMUM FRONT AGE IS 110.13'

MASTER PLAN APPROVED BY THE  
 MIDWAY CITY COUNCIL APRIL 2019.

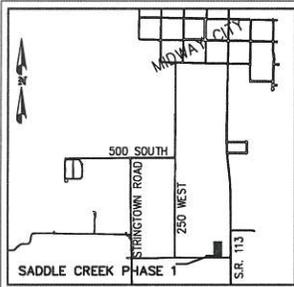
THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.  
 PAUL D. BERG, P.E.  
 SERIAL NO. 20869  
 DATE: 11 SEP 2019

WATKINS  
 SADDLE CREEK - PHASE 1  
 APPROVED MASTER PLAN



380 E Main St, Suite 204  
 Midway, UT 84049  
 ph 435.657.9749

DESIGN BY: FDB	DATE: 11 SEP 2019	SHEET
DRAWN BY: CNB	REV:	2

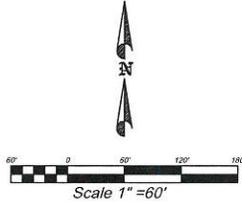


VICINITY MAP

ADDRESS TABLE

LOT	ADDRESS
1	XXX SOUTH 100 WEST
2	XXX SOUTH 100 WEST
3	XXX SOUTH 100 WEST
4	XXX SOUTH 100 WEST
5	XXX SOUTH 100 WEST
6	XXX SOUTH 100 WEST
7	XXX SOUTH 100 WEST
8	XXX SOUTH 100 WEST
9	XXX 900 SOUTH

COUNTY GIS DEPARTMENT TO DETERMINE FINAL ADDRESSING



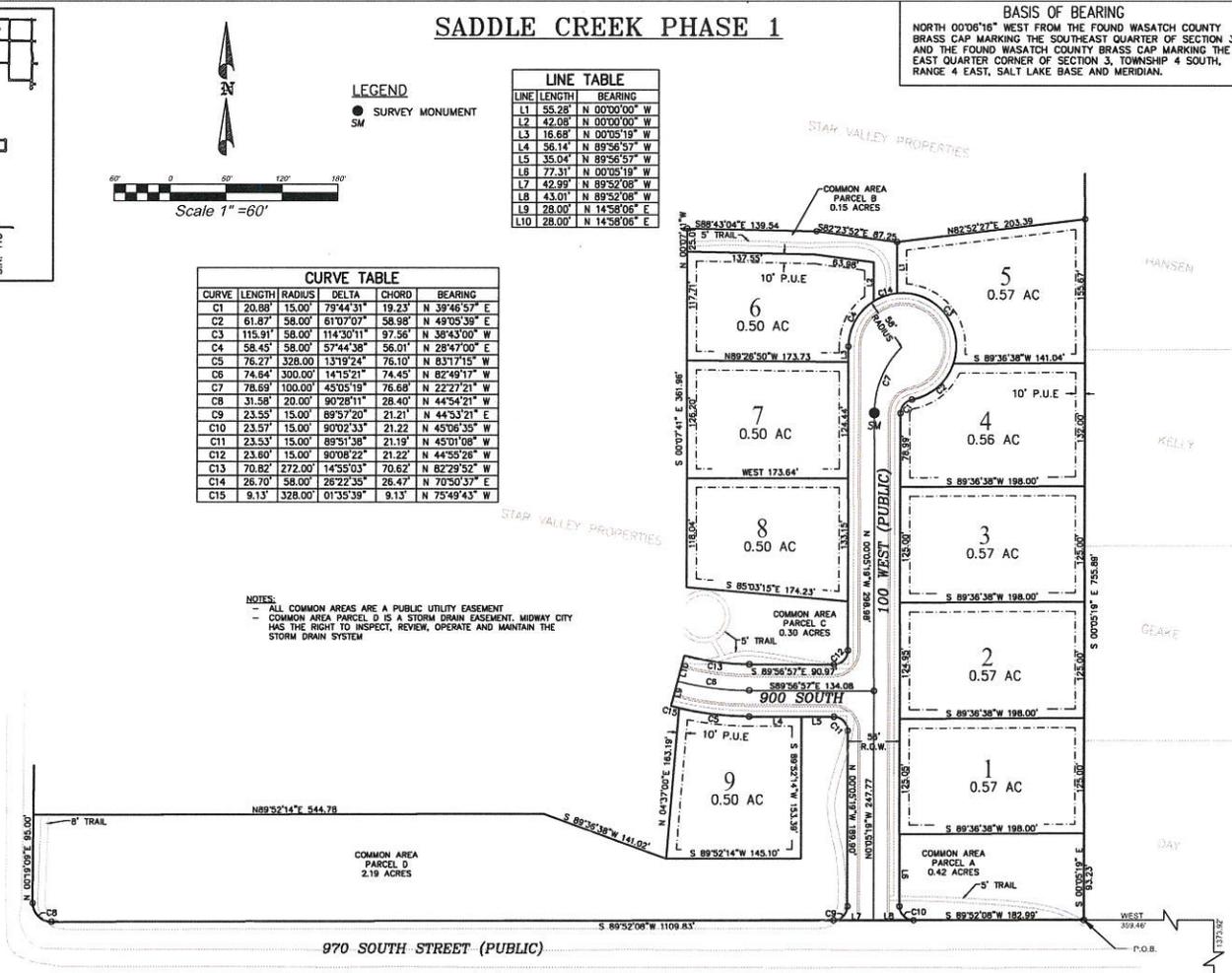
LEGEND  
● SURVEY MONUMENT  
SM

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	20.80	15.00	75°44'31"	19.23	N 39°46'57" E
C2	61.87	58.00	61°07'07"	58.98	N 49°05'39" E
C3	115.91	58.00	114°30'11"	97.56	N 38°43'00" W
C4	58.45	58.00	57°44'38"	56.01	N 28°47'00" E
C5	76.27	328.00	13°19'24"	76.10	N 83°17'15" W
C6	74.64	300.00	14°15'21"	74.45	N 82°49'17" W
C7	78.69	100.00	45°05'19"	76.68	N 22°27'21" W
C8	31.58	20.00	90°28'11"	28.40	N 44°54'21" W
C9	23.55	15.00	89°57'20"	21.21	N 44°53'21" E
C10	23.57	15.00	90°02'33"	21.22	N 45°06'35" W
C11	23.53	15.00	89°51'38"	21.19	N 45°01'08" W
C12	23.60	15.00	90°08'22"	21.22	N 44°55'28" W
C13	70.82	272.00	14°55'03"	70.62	N 82°29'52" W
C14	26.70	58.00	28°22'35"	26.47	N 70°50'37" E
C15	9.13	328.00	01°35'39"	9.13	N 75°49'43" W

NOTES:  
- ALL COMMON AREAS ARE A PUBLIC UTILITY EASEMENT  
- COMMON AREA PARCEL D IS A STORM DRAIN EASEMENT. MIDWAY CITY HAS THE RIGHT TO INSPECT, REVIEW, OPERATE AND MAINTAIN THE STORM DRAIN SYSTEM

# SADDLE CREEK PHASE 1

LINE	LENGTH	BEARING
L1	55.28	N 00°00'00" W
L2	42.08	N 00°00'00" W
L3	16.68	N 00°35'19" W
L4	56.14	N 89°56'57" W
L5	35.04	N 89°56'57" W
L6	77.31	N 00°35'19" W
L7	42.99	N 89°52'08" W
L8	43.01	N 89°52'08" W
L9	28.00	N 14°58'06" E
L10	28.00	N 14°58'06" E



**BASIS OF BEARING**  
NORTH 00°06'18" WEST FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTHEAST QUARTER OF SECTION 3, AND THE FOUND WASATCH COUNTY BRASS CAP MARKING THE EAST QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

## SURVEYOR'S CERTIFICATE

I, TROY TAYLOR, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 6854112 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREET AND EASEMENTS.

DATE: \_\_\_\_\_ SURVEYOR: (SEE SEAL BELOW)

**BOUNDARY DESCRIPTION**  
BEGINNING AT A POINT WHICH IS NORTH 00°06'18" WEST 1373.92 FEET AND WEST 359.46 FEET FROM THE SOUTHEAST QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN;  
THENCE SOUTH 89°52'08" WEST 1109.83 FEET;  
THENCE ALONG THE ARC OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT 31.58 FEET (CENTRAL ANGLE OF 90°28'11" AND A CHORD BEARING NORTH 44°54'21" WEST 28.40 FEET;  
THENCE NORTH 89°52'14" EAST 544.78 FEET;  
THENCE NORTH 00°19'09" EAST 1182.57 FEET;  
THENCE SOUTH 89°54'27" EAST 153.19 FEET;  
THENCE NORTH 88°36'34" EAST 67.78 FEET;  
THENCE SOUTH 88°43'03" EAST 404.85 FEET;  
THENCE SOUTH 89°11'03" EAST 344.86 FEET;  
THENCE SOUTH 10°43'24" WEST 133.26 FEET;  
THENCE SOUTH 89°50'25" EAST 176.15 FEET;  
THENCE SOUTH 00°05'19" EAST 1055.70 FEET TO THE POINT OF BEGINNING.  
CONTAINING: 9.12 ACRES

**OWNER'S DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND EASEMENTS, AND HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
BY: DON AND PEGGY WATKINS  
STAR VALLEY PROPERTIES LLC

**ACKNOWLEDGMENT**  
STATE OF UTAH )  
COUNTY OF WASATCH ) S.S.  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_ WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE 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, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS—OF—WAY HEREOF SHOWN.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

APPROVED \_\_\_\_\_ MAYOR ATTEST \_\_\_\_\_ CLERK-RECORDER (SEE SEAL BELOW)  
APPROVED \_\_\_\_\_ CITY ENGINEER (SEE SEAL BELOW) APPROVED \_\_\_\_\_ CITY ATTORNEY

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

## SADDLE CREEK SUBDIVISION PHASE 1

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH  
SCALE: 1" = 60 FEET

SURVEYOR'S SEAL: \_\_\_\_\_  
NOTARY PUBLIC SEAL: \_\_\_\_\_  
CITY ENGINEER SEAL: \_\_\_\_\_  
CLERK-RECORDER SEAL: \_\_\_\_\_

SADDLE CREEK PHASE 1 PLAN - 11 SEPTEMBER 2019

SURVEYOR  
TROY L. TAYLOR, PLS  
ELEMENT LAND SURVEYING  
2298 SOUTH 270 EAST  
HEBER CITY UT  
PHONE (801) 657-8748  
DATE OF SURVEY: AUG 2019

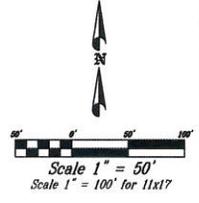
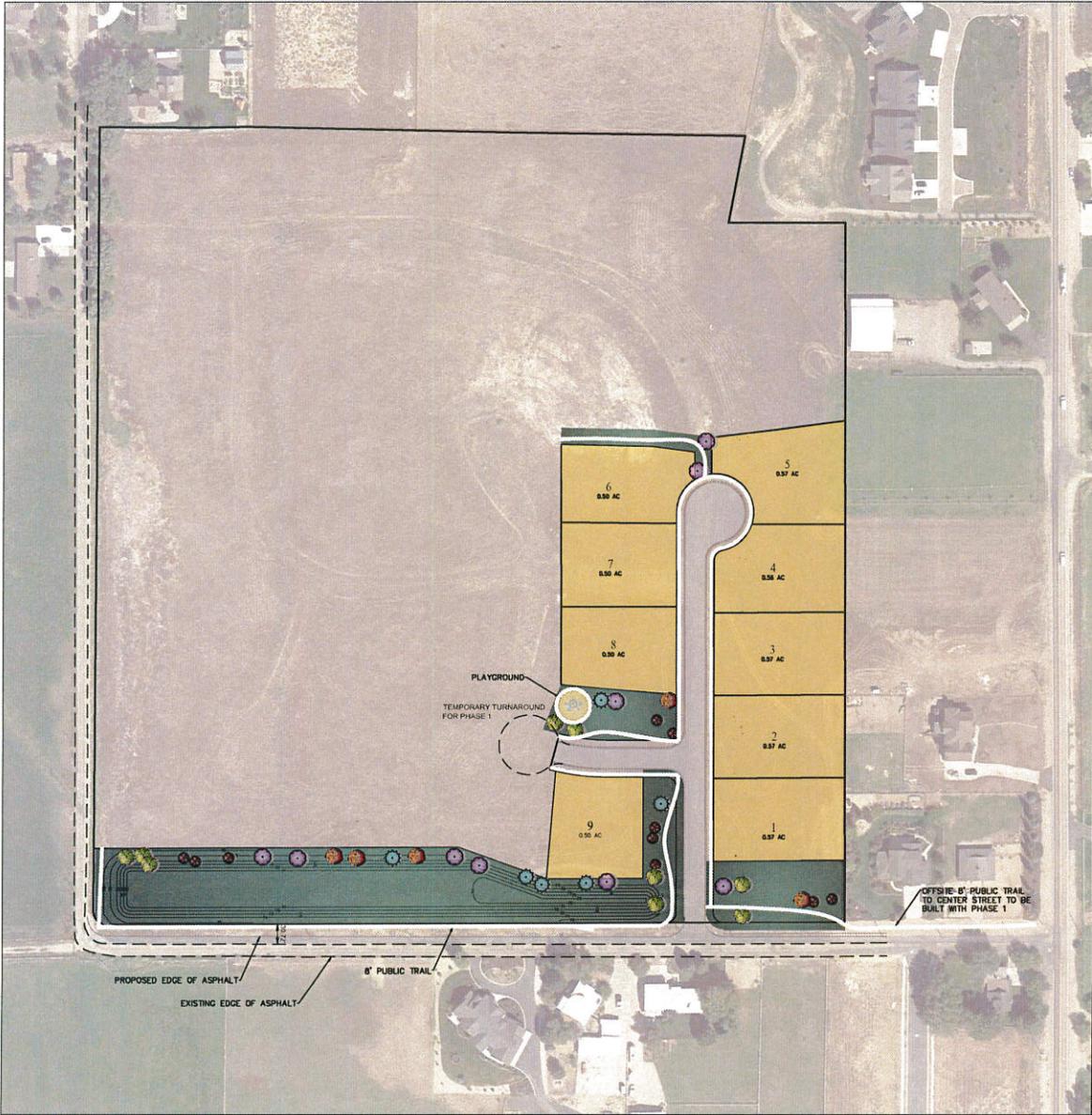
COUNTY RECORDER

FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

DATE: \_\_\_\_\_  
WASATCH COUNTY SURVEYOR

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

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



LAND USE CALCULATIONS - PHASE 1:

TOTAL AREA	9.84 AC
# OF LOTS	9 LOTS
OPEN SPACE	2.91 AC (29.57%)

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.  
 CARL N. BOJIS L.A.  
 SERIAL NO. 218220  
 DATE: 11 SEP 2018

WATKINS  
 SADDLE CREEK - PHASE I  
 SITE PLAN - PHASE I

BERG ENGINEERING  
 380 E Main St, Suite 204  
 Midway, UT 84049  
 ph 435.657.9749

DESIGN BY: PDB	DATE: 11 SEP 2018	SHEET
DRAWN BY: CNB	REV:	3



WATER LINE EXTENSION AGREEMENT AMENDMENT  
for the  
SOLDIER HOLLOW MOUNTAIN P.U.D.

WHEREAS MIDWAY CITY (City), D.E.V. MANAGEMENT LLC (Developer) entered into a water line extension agreement on September 13, 2006.

WHEREAS the City on October 15, 2012 transferred ownership of the Agreement to the JEANETTE S. HIGGINSON TRUST.

WHEREAS Item 4 - Cost and Reimbursement Amounts of the original agreement required *"..The City shall collect \$1,436.61 per equivalent residential unit from any other party who connects to the water line. Collection of said sums from developers of subdivisions, PUDS and other large-scale developments shall be made in one lump sum at the beginning of each project. The City shall pay sums (subject to the terms and conditions of this Agreement) to the Developer within 30 days of the receipt."*

WHEREAS the City has determined that because the Saddle Creek Subdivision is serve by two water lines that have water line extension agreements with the City, that reimbursement for half of the subdivision is required to each extension agreement.

WHEREAS Item 5 - Term of the original agreement states *"Developer shall be entitled to receive reimbursements under this Agreement for a period of fifteen (15) years from the execution of this Agreement, regardless of whether Developer has received the maximum amount allowed by this Agreement. After said period, no further payment will be made to the Developer."*

WHEREAS DPW Heber, Inc., the developers of the Saddle Creek Subdivision (Saddle Creek), are required to pay a reimbursement and have requested an amendment to the Agreement.

NOW THEREFORE, City, Developer and Saddle Creek have agreed to the following amendments to the original water line extension agreement:

Item 4 - Cost and Reimbursement Amounts Amended

The City shall collect \$718.31 per lot from the Saddle Creek Subdivision to connect to the water line. Collection of said sums from Saddle Creek shall be made in one lump sum prior to the recording of the plat for each phase of the subdivision. The City shall pay reimbursement sums (subject to the terms and conditions of this Agreement) to the Developer within 30 days of the receipt. Saddle Creek shall notify the Developer by certified mail when said reimbursement payments are made to the City.

Item 5 - Term Amended

For reimbursement payments from the Saddle Creek Subdivision, the Developer shall be entitled to receive reimbursements under this Agreement for all phases of the subdivision at the time of plat recording regardless of when the plat is recorded and with no time expiration periods as stated in the original agreement.

This amendment only applies to reimbursements from the Saddle Creek Subdivision. All other possible reimbursements to the Developer by other subdivisions, PUDs or large-scale developments shall be under the terms of the original agreement or through a separate amendment agreement.

All other terms of the original agreement, provided as Exhibit A, not amended above shall remain.

MIDWAY CITY

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Mayor Celeste Johnson

JEANETTE S. HIGGINSON TRUST

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Jeanette S. Higginson, Trustee

SADDLE CREEK SUBDIVISION

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Don Watkins, DPW Heber, Inc.