

Midway City Council  
3 March 2020  
Regular Meeting

Scotch Fields PUD /  
Master Plan Amendment



## CITY COUNCIL MEETING STAFF REPORT

**DATE OF MEETING:** March 3, 2020

**NAME OF PROJECT:** Scotch Fields Planned Unit Development

**NAME OF APPLICANT:** Berg Engineering

**OWNER:** Probst Higley Developers LLC

**AGENDA ITEM:** Development Agreement Amendment

**LOCATION OF ITEM:** 1300 North Canyon View Drive

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

### **ITEM: 9**

Berg Engineering, agent for Probst Higley Developers LLC, is requesting a Development Agreement amendment of Scotch Fields Planned Unit Development which includes four phases. The proposal is to create two phases out of phase 4 which, would bring the overall number of phases in Scotch Fields to five. The number of units, location of units, location of open space and roads do not change with this amendment. The property is located at 1300 North Canyon View Drive and is in the RA-1-43 zone.

### **BACKGROUND:**

Berg Engineering is proposing development agreement amendment of Scotch Fields Planned Unit Development (PUD) which would replace the existing master plan that was approved on August 12, 2015. The applicant is proposing that the phasing for the master plan be amended to allow five phases. Originally that master plan had been approved for five phases, but the developer recorded phases 2 and 3 in one plat and reduced the density of the phasing to four. The current proposal is to divide phase 4 into two separate phases which, in turn, would create a new phase 5.

According to the Scotch Fields PUD development agreement under Section 5, the agreement may only be amended by mutual consent. Therefore, the City has no obligation to allow the developer to change the approved development plan or development agreement plan agreement.

Phase 4, consisting of 37 units, received final approval on July 16, 2019. The proposal is to divide phase 4 into two phases. The newly proposed phase 4 would consist of 29 units and the newly proposed phase 5 would consist of eight units. The developer would be required to construct all infrastructure for both of the proposed phases as part of phase 4. That infrastructure includes Canyon View Road (public) and Jerry Gertsch Lane (private), storm drain system and ponds, water lines, and sewer lines.

**LAND USE SUMMARY:**

- 50.01 acres (entire development)
- Current phase 4 – 16.55 acres
- Proposed phase 4 – 13.69 acres
- Proposed phase 5 – 2.86 acres
- RA-1-43 zoning
- Development contains 89 building pads (PUD)
- Four phases
  - Phase I – 17 units
  - Phase II – 24 units
  - Phase III – 11 units
  - Phase IV – 37 units
- Proposed phasing
  - Phase I – 17 units
  - Phase II – 24 units
  - Phase III – 11 units
  - Phase IV – 29 units
  - Phase V – 8 units
- Public roads maintained by the City include Canyon View Road and Canyon View Lane

- Private roads maintained by the HOA include Jerry Gertsch Lane and West Canyon View Lane
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.
- Sensitive lands of the property include wetlands, sloped areas greater than 25%, stream corridor and wildlife habitat

**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 50% open space for that particular phase. If phase I has 75% open space, then phase II only needs to have 25% open space if both phases are equal in acreage. The applicant has provided an amended open space phasing plan and the proposed plan does comply with the open space requirements.

*Water* – Water rights for each phase are required to be dedicated to the City before the recording of each plat. The Water Board has reviewed the proposed development agreement amendment and has recommended that the following water rights are tendered to the City before the recording of the plat for following phases:

Phase 3  
 11 Units (11 x 0.8 = 8.8 acre feet)  
 2.7 irrigated acres (2.7 x 3 = 8.1 acre feet)  
 Phase 3 total: **16.9 acre feet**

Phase 4  
 29 Units (29 x 0.8 = 23.2 acre feet)  
 7.5 irrigated acres (7.5 x 3 = 22.5 acre feet)  
 Phase 4 total: **45.7 acre feet**

Phase 5  
 8 Units (8 x 0.8 = 6.4 acre feet)  
 7.5 irrigated acres (1.18 x 3 = 3.54 acre feet)  
 Phase 5 total: **9.94 acre feet**

*Traffic circulation* – The proposed development agreement amendment will not change the layout of any of the roads. The developer would be required to construct all infrastructure for both proposed phases 4 and 5 as part of phase 4.

*Unit setbacks* - All units along the private road Jerry Gertsch Lane must have a 25' setback from the edge of the right-of-way. All units will also have a minimum 30' setback from all peripheral property lines of the PUD.

*Sensitive lands* – The property does contain some slopes greater than 25%. This area does not contain any building pads and will be left natural.

*Midway Sanitation District* - the developers have met with the Sewer Board to determine the requirements regarding sewer connection to Midway Sanitation District's lines.

*Geotechnical report* - Staff has received two geotechnical reports for the property and has them on file.

*Height of structures* – The height of all structures in the development will comply with Section 16.13.10 of the City Code. Some fill has been deposited on some localized areas of the property, but height is measured from natural grade and not from the elevation of the fill that has been deposited. The applicant has submitted contour and elevation information of the property with the preliminary and final plan submittals. All future elevation certificates will need to be based on that information and not on existing grade on site.

*Phasing compliance with current code* – The current code allows for a phase for every 15 units in a master plan. Scotch Fields PUD has a maximum density of 89 units which allows for five plats thus, the proposal does comply with current code requirements.

*Canyon View Road Annexation Meeting Agreement* – An agreement was signed by Bill Probst, Dennis Higley, Mayor Bonner, Laren Gertsch and Troy Naylor (Canyon View PUD) that allowed Scotch Fields to develop (please see attached). There are some provisions that have not been completed with that agreement. One of the main issues is that some property needs to be deeded to Laren Gertsch that is currently in Dennis Higley's name.

**PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Streeter: I make a motion that we recommend approval the Development Agreement amendment of Scotch Fields Planned Unit Development which includes four phases. The proposal is to create two phases out of phase 4 which, would bring the overall number of phases in Scotch Fields to five. The number of units, location of units, location of open space and roads do not change with this amendment. The property is located at 1300 North Canyon View Drive and is in the RA-1-43 zone. We also accept staff report and findings and add no conditions.

**Seconded:** Commissioner Ream

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

Commissioner Bouwhuis stated that he did not like that having the one single island lot that is in the proposal

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Streeter, Ream, Nicholas, McKeon

**Nays:** Bouwhuis

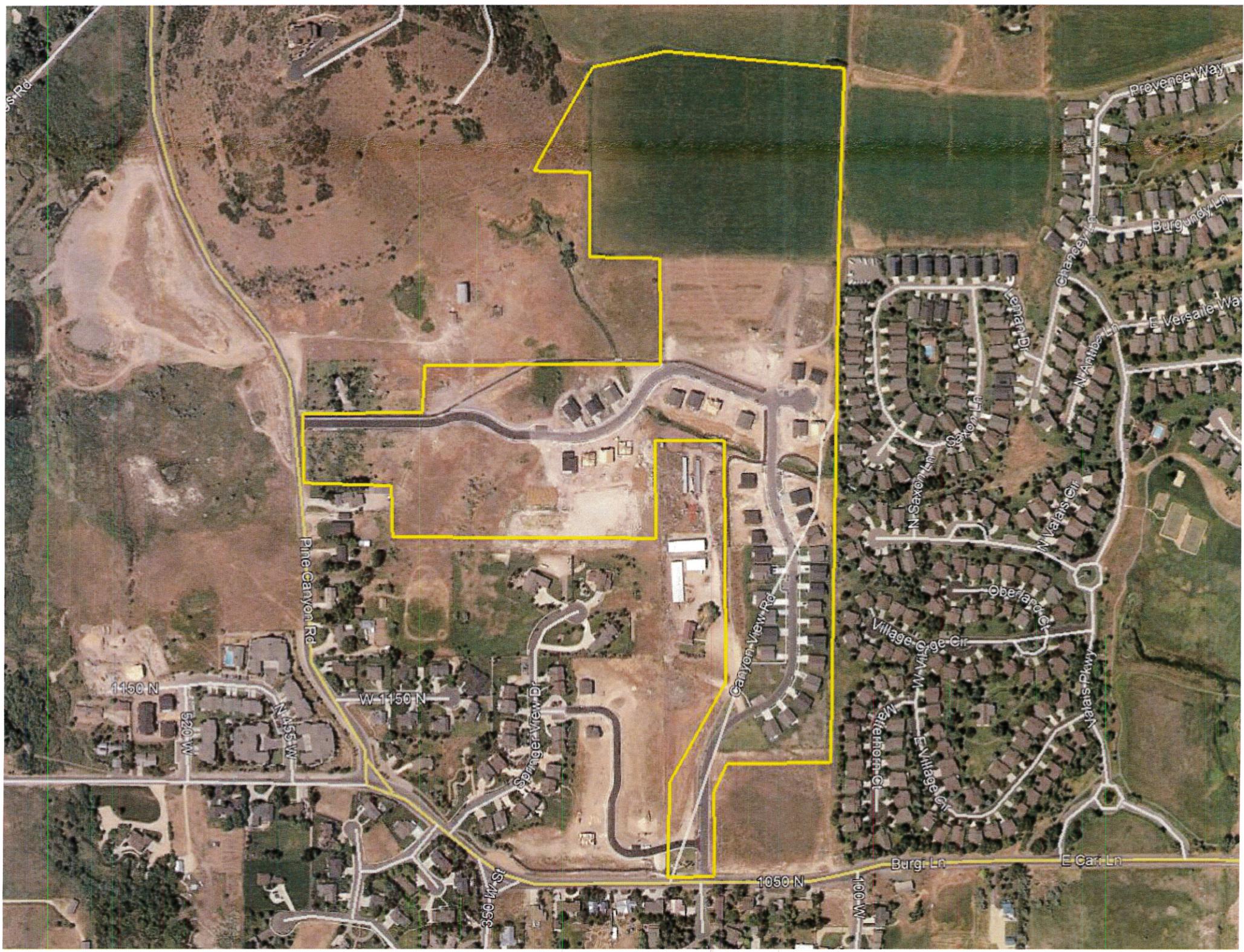
**Motion: Passed**

**PROPOSED FINDINGS:**

- The proposed master plan appears to meet the requirements of the code
- The number of phases will increase from four to five
- The proposed amendment does comply with current code requirements for phasing
- Amending the master plan is discretionary and the City is under no obligation to approve the proposal even if it complies with the land use code

**POSSIBLE CONDITIONS:**

All the provisions in the Canyon View Road Annexation Meeting Agreement are completed before the proposed development agreement is amended.



55 Rd

Prevence Way

Burgundy Ln

E Versaile Way

Changey Ln

N Atlantis Ln

W Valais Cir

Obelisco Cir

Village Cige Cir

N Valais Cir

Valais Pkwy

E Carr Ln

Walterhorn Ct

Village Cige Cir

N Saxon Ln

Walterhorn Ct

Village Cige Cir

E Village Cir

Burgi Ln

100 W

Canyon View Rd

1050 N

100 W

W-1150 N

Springer View Dr

350 W

Pine Canyon Rd

W-1150 N

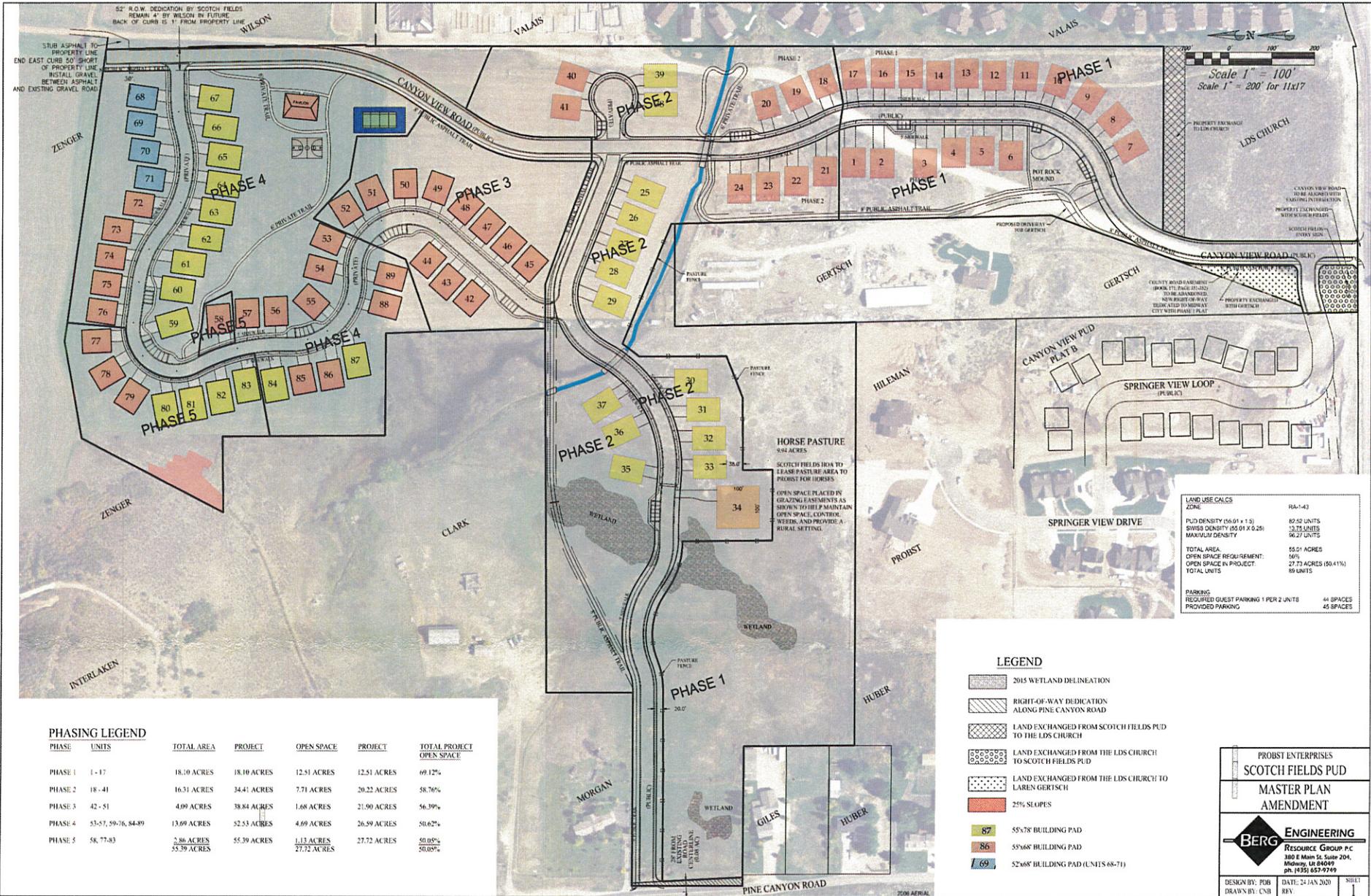
W-1150 N

1150 N

520 W

W-1150 N

1150 N



**PHASING LEGEND**

PHASE	UNITS	TOTAL AREA	PROJECT	OPEN SPACE	PROJECT	TOTAL PROJECT OPEN SPACE
PHASE 1	1 - 17	18.10 ACRES	18.10 ACRES	12.51 ACRES	12.51 ACRES	69.12%
PHASE 2	18 - 41	16.51 ACRES	34.41 ACRES	7.71 ACRES	20.22 ACRES	58.76%
PHASE 3	42 - 51	4.09 ACRES	38.84 ACRES	1.08 ACRES	21.90 ACRES	56.39%
PHASE 4	53-57, 59-76, 84-89	13.69 ACRES	52.53 ACRES	4.69 ACRES	26.39 ACRES	50.62%
PHASE 5	80, 81-83, 84-86, 87-88	2.86 ACRES 55.39 ACRES	55.39 ACRES	1.13 ACRES 27.72 ACRES	27.72 ACRES	50.05% 50.05%

**LEGEND**

- 2015 WETLAND DELINEATION
- RIGHT-OF-WAY DEDICATION ALONG PINE CANYON ROAD
- LAND EXCHANGED FROM SCOTCH FIELDS PUD TO THE LDS CHURCH
- LAND EXCHANGED FROM THE LDS CHURCH TO SCOTCH FIELDS PUD
- LAND EXCHANGED FROM THE LDS CHURCH TO LAREN GERTSCH
- 25% SLOPES
- 55'x78' BUILDING PAD
- 55'x68' BUILDING PAD
- 52'x68' BUILDING PAD (UNITS 68-71)

**LAND USE CALCS**

ZONE:	RA-1-43
PUD DENSITY (50.00 x 1.3):	65.00 UNITS
SLOPE DENSITY (50.00 x 0.25):	12.50 UNITS
MAXIMUM DENSITY:	96.27 UNITS
TOTAL AREA:	55.01 ACRES
OPEN SPACE REQUIREMENT:	27.72 ACRES (50.41%)
OPEN SPACE IN PROJECT:	89 UNITS
TOTAL UNITS:	89 UNITS

**PARKING**

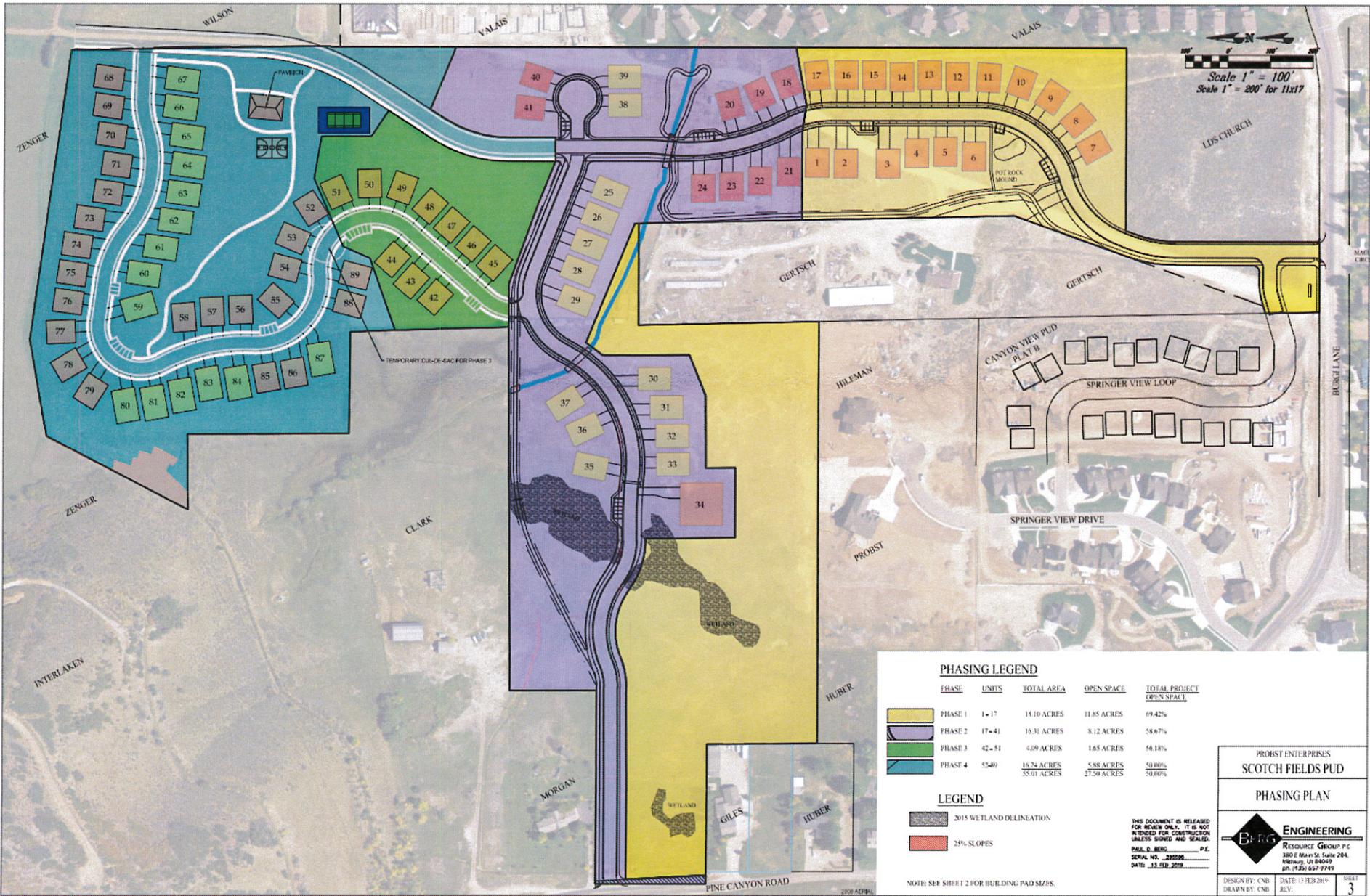
REQUIRED GUEST PARKING 1 PER 2 UNITS	44 SPACES
PROVIDED PARKING	45 SPACES

PROBST ENTERPRISES  
**SCOTCH FIELDS PUD**  
 MASTER PLAN  
 AMENDMENT

**BERG ENGINEERING**  
 RESOURCE GROUP P.C.  
 300 E. Main St., Suite 204,  
 Midway, UT 84049  
 ph. 1-801-657-9749

DESIGN BY: POB  
 DRAWN BY: CNB  
 DATE: 24 JAN 2020  
 REV: \_\_\_\_\_

SHEET 1



Scale 1" = 100'  
Scale 1" = 200' for 11x17

**PHASING LEGEND**

PHASE	UNITS	TOTAL AREA	OPEN SPACE	TOTAL PROJECT OPEN SPACE
PHASE 1	1-17	18.16 ACRES	11.85 ACRES	69.42%
PHASE 2	18-41	16.31 ACRES	8.12 ACRES	58.67%
PHASE 3	42-51	4.09 ACRES	1.65 ACRES	56.18%
PHASE 4	52-89	16.74 ACRES 55.91 ACRES	5.88 ACRES 27.50 ACRES	51.80% 50.00%

**LEGEND**

- 2015 WETLAND DELINEATION
- 25% SLOPES

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.  
PAUL D. HERR, P.E.  
SERIAL NO. 280098  
DATE: 13 FEB 2019

PROBST ENTERPRISES  
SCOTCH FIELDS PUD

PHASING PLAN

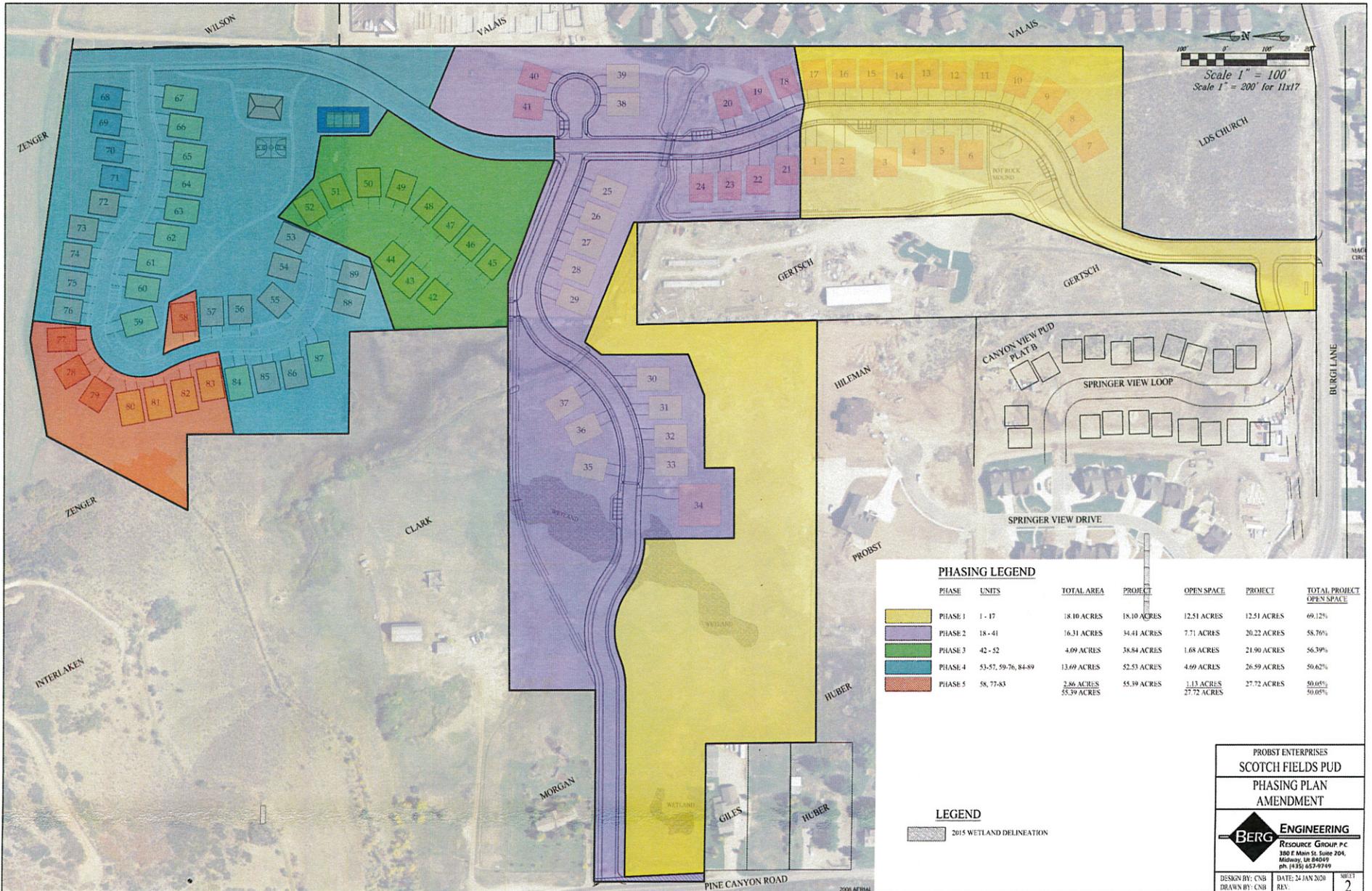
**BERG ENGINEERING**  
RESOURCE GROUP P.C.  
380 E. Main St. Suite 204  
Midway, UT 84019  
ph: (435) 667-9749

DESIGN BY: CNB  
DRAWN BY: CNB

DATE: 13 FEB 2019  
REV:

SHEET  
**3**

NOTE: SEE SHEET 2 FOR BUILDING PAD SIZES.



Scale 1" = 100'  
Scale 1" = 200' for 11x17

**PHASING LEGEND**

PHASE	UNITS	TOTAL AREA	PROJECT	OPEN SPACE	PROJECT	TOTAL PROJECT OPEN SPACE
PHASE 1	1 - 17	18.10 ACRES	18.10 ACRES	12.51 ACRES	12.51 ACRES	69.12%
PHASE 2	18 - 41	16.31 ACRES	34.41 ACRES	7.71 ACRES	20.22 ACRES	58.70%
PHASE 3	42 - 52	4.09 ACRES	38.84 ACRES	1.68 ACRES	21.90 ACRES	56.39%
PHASE 4	53-57, 59-76, 84-89	13.69 ACRES	52.53 ACRES	4.69 ACRES	26.59 ACRES	50.62%
PHASE 5	58, 77-83	2.86 ACRES 55.39 ACRES	55.39 ACRES	1.13 ACRES 27.72 ACRES	27.72 ACRES	50.05% 50.05%

**LEGEND**

2015 WETLAND DELINEATION

PROBST ENTERPRISES  
SCOTCH FIELDS PUD  
PHASING PLAN  
AMENDMENT

**BERG ENGINEERING**  
Resource Group, P.C.  
380 E Main St, Suite 204,  
Midway, UT 84049  
ph: (435) 657-9749

DESIGN BY: CNB DATE: 24 JAN 2020 SHEET 2  
DRAWN BY: CNB REV:

728 West 100 South  
Heber, UT 84032  
www.horrocks.com



Heber Office  
Tel: 435.654.2226  
Fax: 435.657.1160

February 9, 2015

Midway City Mayor and Council  
100 West 75 North  
Midway, UT 84049

**Subject: Canyon View Road Annexation Meeting**

Dear Midway Mayor and Council:

A meeting was held on Thursday, January 29, 2015 to discuss the proposed road intersection of Burgi Lane and Canyon View Road, relating to the proposed Canyon View Road Annexation. In attendance at the meeting were Michael Henke, Wes Johnson, representing Midway City (hereinafter called the "City") Bill Probst, Craig Probst, Dennis Higley, representing the Canyon View Road Annexation and future Development, (hereinafter called the "Annexation"), Laren Gertsch, representing his property, and Troy Naylor, representing Canyon View PUD Plat B (hereinafter called the "PUD Plat B"). The following items were discussed and agreed upon. For reference, please see annotations made during the meeting on the attached concept plan illustration.

After a property exchange between the Annexation and the LDS Church, the centerline of the Canyon View Road will be realigned to match the existing centerline of Magpie Circle. The property exchange will be executed prior to any phase within the Annexation receiving Preliminary Approval *from City Council* (bold comment added 2-9-2015).

Springer View Loop, which is the proposed road within the currently plated PUD Plat B will extend to the East and connect into the realigned Canyon View Road. The centerline of Springer View Loop will be approximately 150 feet north of the existing centerline of Burgi Lane. The proposed roadway will not encroach on the existing pot rock mound located just south of the existing yard hydrant.

Laren Gertsch will quit claim to the Annexation a 50-foot strip of ground for the proposed Springer View Loop. The Annexation and a future plat will provide the right-of-way for the extension of Springer View Loop.

Midway City will pay for the construction of Springer View Loop within the property which will be quit claimed from the LDS Church to the proposed Annexation.

Any property which is currently South of the proposed Springer View Loop right-of-way line will be quit claimed from Laren Gertsch to the Annexation. The Annexation will grant to Laren Gertsch a utility easement for all existing utilities within the property.

The parcel of land, which will be exchanged between the Annexation and the LDS Church that is north of the Springer View Loop right-of-way line, and west the newly realigned Canyon View Road will be quit claimed from the Annexation to Laren Gertsch.

The existing ditch which is within and near the Laren Gertsch north property line will be split or relocated to provide water access along the north property line of the Gertsch property, as approved by the Midway Irrigation Company.

The PUD Plat B will grant a utility easement to the Laren Gertsch property for each of the existing utilities that are located within the PUD Plat B.

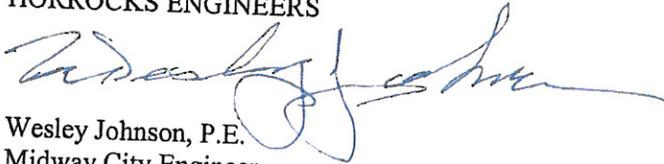
The existing PUD Plat B construction plans require the existing Laren Gertsch water meter to be relocated from the south side of Burgi Lane to the north side of the proposed Springer View Loop Road. The PUD Plat B developer will relocate the meter north of the Springer View Loop or at a location closer to the Laren Gertsch home adjacent to the proposed new Canyon View Road. This item will be resolved during the construction of the proposed Canyon View Road.

The Annexation would not be responsible to install utility laterals to the Gertsch property. However, Laren Gertsch will be allowed to contract with the proposed Canyon View Road contractor to have utility laterals installed to his property prior to the paving of Canyon View Road.

The PUD Plat B developer acknowledged he is responsible for installing the Burgi Lane public trail within the limits of Plat B. If the City chooses to install the Burgi Lane public trail within Plat B, the PUD Plat B development will reimburse Midway City during the construction of the Phase 2 development.

By signing this document we agree to the above items.

Sincerely,  
HORROCKS ENGINEERS

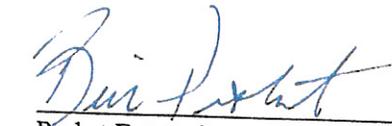
  
Wesley Johnson, P.E.  
Midway City Engineer

**Midway City**

  
Colleen Bonner - Midway City Mayor

2-11-15  
Date

**Canyon View Road Annexation**

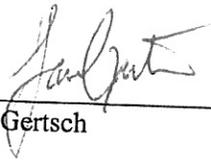
  
Probst Enterprises, Inc. - Annexation

2-11-15  
Date

  
Dennis Ray Higley - Annexation

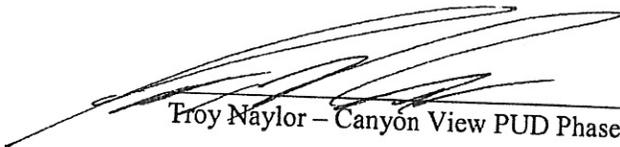
2-11-15  
Date

**Laren Gertsch Property**

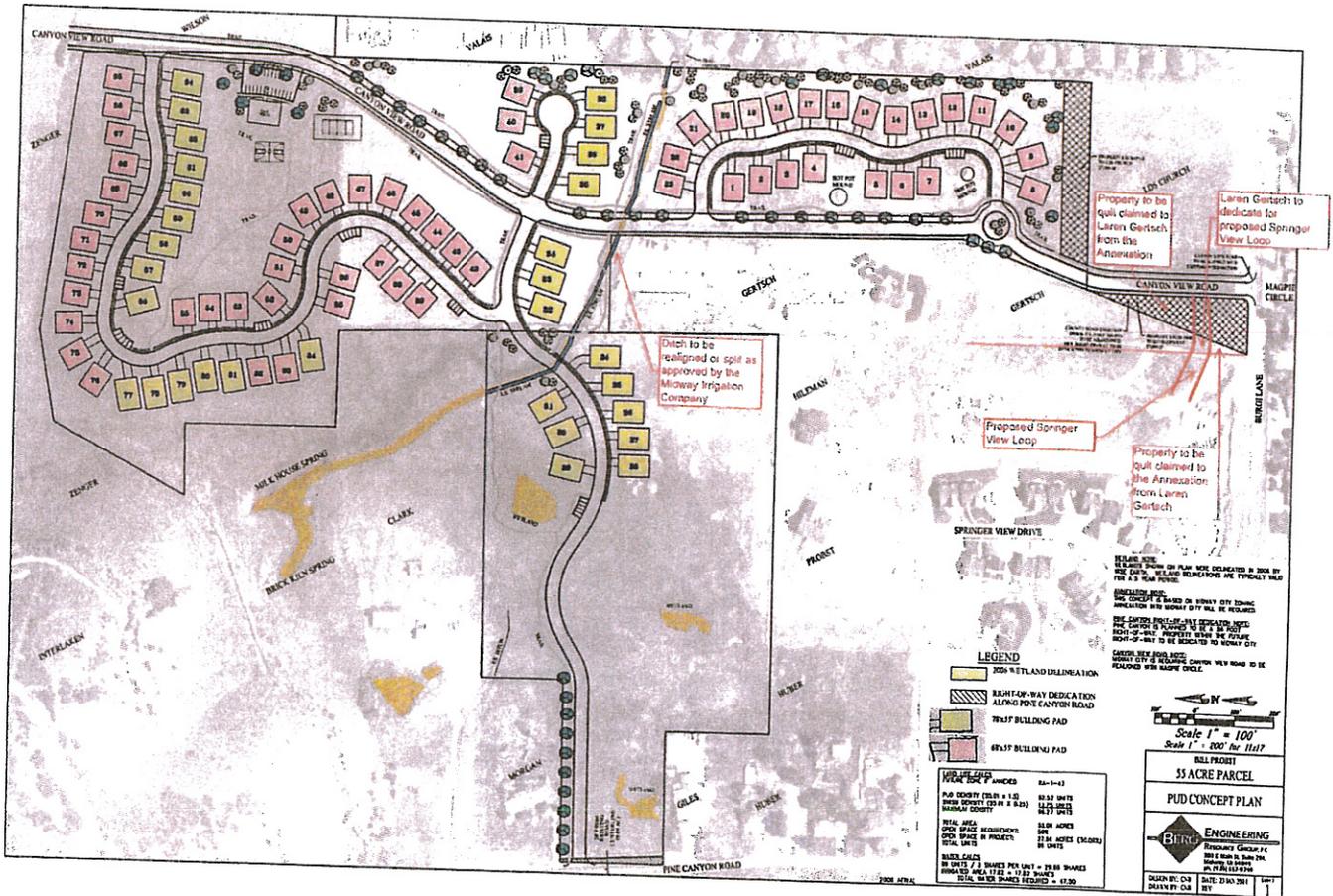
  
\_\_\_\_\_  
Laren Gertsch

6 Feb 2015  
Date

**Canyon View PUD Phase 2**

  
\_\_\_\_\_  
Troy Naylor - Canyon View PUD Phase 2

9 Feb 2015  
Date



Property to be quit claimed to Laren Gertsch from the Annexation

Laren Gertsch to dedicate for proposed Spranger View Loop

Property to be quit claimed to the Annexation from Laren Gertsch

Ditch to be realigned or split as approved by the Midway Irrigation Company

Proposed Spranger View Loop

**LEGEND**

- 200' W/ETLAND Delineation
- RIGHT-OF-WAY DEDICATION ALONG POPE CANYON ROAD
- 78'x37' BUILDING PAD
- 67'x37' BUILDING PAD

PLANNED UNIT DEVELOPMENT (PUD)	200'-1-43'
MINIMUM LOT AREA	80,000 SQ FT
MINIMUM LOT WIDTH	120'-0"
MINIMUM LOT DEPTH	160'-0"
MINIMUM FRONT YARD SETBACK	25'-0"
MINIMUM SIDE YARD SETBACK	10'-0"
MINIMUM REAR YARD SETBACK	10'-0"
MINIMUM FRONT SETBACK	10'-0"
MINIMUM SIDE SETBACK	10'-0"
MINIMUM REAR SETBACK	10'-0"
MINIMUM FRONT SETBACK	10'-0"
MINIMUM SIDE SETBACK	10'-0"
MINIMUM REAR SETBACK	10'-0"

Scale 1" = 100'

Scale 1" = 200' for 11/17

55 ACRE PARCEL

PUD CONCEPT PLAN

**ENGINEERING**

RENEE G. GARDNER, P.E.

REGISTERED PROFESSIONAL ENGINEER

STATE OF CALIFORNIA

NO. 10000

DATE: 01/10/17

DESIGN BY: CG DATE: 01/10/17

CHECKED BY: CG