Midway City Planning Commission Regular Meeting
July 16, 2014

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., July 16, 2014, at the Midway City Community Center
160 West Main Street, Midway, Utah

6:45 P.M. Work/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 Minutes of June 18, 2014.**

2. **Paul Berg, agent for Midway Highlands (formerly known as Scandia Subdivision) is requesting Final Approval for a large-scale subdivision. The proposal is for nine (9) lots located at Cari Lane and Homestead Drive. The area of the property is 5.18 acres and is in the R-1-15 zone.**

    a. Discussion of Final Approval
    b. Possible recommendation to City Council

3. **Paul Berg, agent for Richard Peery Trust, is requesting an amendment to the General Plan to change the Land Use Map from Business and Manufacturing Park (BMP) to residential. The property is located at 600 East Michie Lane and is currently in Wasatch County but is located in Midway's Annexation Declaration boundary.**

    a. Discussion of General Plan Change of Land Use Map
    b. Possible recommendation to City Council

4. **Paul Berg, agent for Watts Dutch Fields LLC, is requesting an amendment to the General Plan to rezone a small area near the roundabout on River Road from RA-1-43 to the Commercial C-2 zone to allow for a service station and convenience store.**

    a. Discussion of General Plan to rezone
    b. Possible recommendation to City Council

5. **Midway City is applying for a Conditional Use Permit for two pavilions in the Valais Park on City property. The proposal is located in the RA-1-43 zone.**

    a. Discussion of Conditional Use Permit
    b. Possible recommendation to City Council

6. **Paul Berg, agent for Eldon Wright Trust, is requesting a Concept Plan review for a standard subdivision with a proposed name of Eldon's Landing. The proposal is for five (5) lots and is on 3.6 acres of land and it is located in the R-1-22 zone. No action will be taken on this item; it is only a discussion item.**

Planning Commission Minutes

June 18, 2014

Midway City Planning Commission Regular Meeting
June 18, 2014

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., June 18, 2014, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:
Mickey Oksner – Chairman
Stu Waldrip – Co-Chairman
Jim Kohler
Nancy O'Toole
John Rather
William Ream
Chip Maxfield

Staff:
Michael Henke – City Planner
Jennifer Sweat – Administrative Assistant
Wes Johnson – City Engineer

Excused
Steve Nichols
Natalie Streeter

6:52 P.M. Work/Briefing Meeting

Planner Henke gave the City Council Liaison Report. No action was taken and the public was welcome to attend.

7:00 P.M. Regular Meeting

Call to Order

Chairman Oksner welcomed commissioners, staff and public. Chairman Oksner led the Pledge of Allegiance.

Regular Business

1. Review and possibly approve the Planning Commission Minutes of May 21, 2014.

Chairman Oksner made the comment that on page three, it should state "System Master" not "System Mater". Commissioner Rather stated that he would like to be added to the list of "Excused" of the Commissioners for this meeting. Administrative Assistant Jennifer Sweat said she would make that change and addition.

Motion: Commissioner Kohler made the motion to approve the Planning Commission minutes of May 21, 2014 with the above mentioned changes.

Seconded: Commissioner Waldrip seconded the motion.
Votes: Ayes: Commissioner Rather, Commissioner O'Toole and Commissioner Ream
Nays: None
Motion: Passed

2. **Brad Wilson, Midway City Recorder, will swear in William Ream as an alternate member of the Planning Commission.**

Chip Maxfield arrived at 7:04 p.m.

(Note: alternate commissioners O'Toole and Ream will be voting members this evening)

3. **Paul Berg, agent for LeeRoy Farrell, is requesting Master Plan Approval for a standard subdivision, Killowen Village. The proposal is for four (4) lots located at 570 South 250 West. The property is 2.6 acres and is in the R-1-22 zone.**

Planner Henke thanked Chairman Oksner, Commissioners and those in attendance.

Planner Henke stated this request is for Master Plan approval of a standard subdivision on 2.6 acres that will consist of 4 lots and will be developed in two phases (phases 2 and 3). The proposal is part of the Killowen Village Subdivision of which phase 1 was developer in 2013. This petition is the development of the 2.56 acre undevelopable agriculture/remnant parcel. The total current acreage of the parcel is five acres. The four lots proposed in the subdivision will obtain frontage along 500 South and a future road that will be 570 South.

The property is located in an R-1-22 zoning district and the lots comply with the minimum requirements of frontage, width and acreage for a lot in this zone.

Planner Henke gave a power point presentation of the property:

LAND USE SUMMARY:

- 2.56 acre parcel (phases 2 & 3 which are part of the entire 5-acre parcel)
- R-1-22 zoning
- Proposal contains 4 lots (0.5 of an acre each)
- Proposal will be developed in 2 phases
- The lots will connect to the Midway Sanitation District sewer and the City's water line
- A temporary turnaround will be built in phase 3 in the easement provided and will remain until the road is extended

(Note: a copy of the presentation is available in the supplemental file.)

Planner Henke stated that the following was his analysis of the property:

Roads – The proposal is to dedicate the property located in the right-of-way of 500 S to the City. The road will be widened at a future date when the remnant parcel is developed. This

agreement will be memorialized in a development agreement between the owner and the developer.

Trails – The City's master trail plan does have an 8' paved public trail planned for 500 S. The trail will be located in a 10' wide public trail easement. The developer will be responsible for the dedication of the easement for that trail and the City will build the trail at a future date. A note will also be placed on the plat that will inform future lot owners of the future trail and the possibility that landscaping and other improvements may need to be removed when that trail is constructed.

Water Connection – The lots will connect to the City's water line located in 250 W.

Sewer Connection – The lots will connect to Midway Sanitations District's line located under 250 W.

Driveway Access – Lot 4 will access 500 South directly and not will be placed on the plat requiring a turnaround so that vehicles will not back out onto 500 South.

Future development – The developer will need to receive final approval for phases 2 and 3. It is anticipated that a petition for final approval for phase 2 will be pursued in the coming months but it is unknown when the developer will pursue development of phase 3.

Fencing – Currently there are agricultural activities on the property to the west. Along with those agricultural activities comes infrastructure related to farm machinery such as above ground gas tanks that could be a safety issue for children in the new subdivision. Though the development code does not require a fencing plan for subdivisions a fence should be considered to separate the two distinct uses. A sight obscuring fence would help hide items such as the above ground gas tank from the new lots in the subdivision.

Pressurized irrigation line – Currently a pressurized irrigation line crosses under the area of the subdivision. This line will need to be relocated and placed in the new irrigation easements that will be recorded on the future plats. The Water Board will review this issue and make a recommendation to City Council.

Existing LeeRoy Farrell residential parcel – Because part of the existing LeeRoy Farrel residential parcel will be used in the future lots 4 and 5 that parcel must also be a lot in the subdivision. This is because the aforementioned parcel is a lot of record and when a lot a record is reduced from its dimensions it ceases to be a lot of record. Therefore it must be included in the subdivision plat as one of the lots.

Planne Henke stated there were the following possible findings for the property:

- The proposed lot meets the minimum requirements for the R-1-22 zoning district
- The proposal does meet the intent of the General Plan for the R-1-22 zoning district

Planner Henke also stated that there were the following possible conditions:

1. The water board must approve the proposed plans before the proposal will be placed on a City Council agenda.

2. The sewer district must approve the proposed plans before the item is heard before the City Council.

3. A Development Agreement must be recorded with the plat.

4. The LeeRoy Farrell residential lot must be included in the subdivision plat as a lot because it is being reduced in size from its original boundaries.

Commissioners discussed the fencing issue adjacent to the nearby property because of the fuel pump and other agriculture use of the adjacent property. Planner Henke stated that he had spoken to the developer who felt they would be able to put up a fence that would separate the properties. Commissioners discussed requiring the adjacent homeowner to fence the fuel pump instead of the developer having to put up a fence. Planner Henke stated that it would be hard to require the neighbor to do that, but it would be easier to create the requirements for the subdivision.

Commissioner Kohler had a question regarding the easement on lot eight (8) with the temporary turn around being part of the lot. The acreage for that lot includes the road, and without the road, it makes the lot smaller then required.

Planner Henke stated that with the road it does make the lot smaller than the half an acre. However we take into account that at some point that easement will go away. Also this bulb isn't something new, it was done in Sunflower Farms, and other's around town. It isn't that different then what was done in the past.

Paul Berg answered questions regarding the easement from lot eight (8) and the temporary turn around. Until the road is finished, they have to provide a turnaround for trash trucks, etc. It is a common practice for this type of use, and like Planner Henke stated it isn't anything different then has been done in the past.

Paul Berg also stated that there is nothing in the Midway City code that requires the developer to put in a fence, however the developer have agreed it would be best to put in a fence, however it would be split rail.

Commissioner Kohler asked if there were state guidelines for the fuel tank. Planner Henke stated he didn't have the answers but could speak with City Attorney, Kraig Powell to find out about this. Paul Berg stated that was something that needed to be brought up to Steve Farrell but it shouldn't be held against Killowen Village.

Chairman Oksner asked if there was any other questions regarding this item?
No other discussion was needed.

Motion: Commissioner Waldrip made the motion to approve the Master Plan approval for a standard subdivision, Killowen Village. This will be done in phases one (1) and two (2). The

proposal is for five (5) lots. Commissioner Waldrip also moved to accept all staff findings and conditions.

Seconded: Commissioner O'Toole seconded the motion.
Votes: Ayes: Commissioner Maxfield, Commissioner Kohler, Commissioner Rather and Commissioner Ream
Nays: None
Motion: Passed

4. **Paul Berg, agent for Aliya Development, is requesting a Plat Amendment for High Valley Equastrian Ranch P.U.D, to be amended and redeveloped as the Deer Creek Estates P.U.D. which contains 37 lots. The proposal is located at 700 South Center Street and is in the R-1-22 zone.**

Planner Henke stated that they would go through items four through seven as a whole, however motions would need to be made seperatly which means there will be four different motions that relate to each item.

Planner Henke stated that Aliya Development LLC has applied for a plat amendment of the High Valley Equestrian Ranch PUD which we be redeveloped as the Deer Creek Estates PUD. The proposal will basically do the following: increase density from 24 to 37 units (14 units in phase I), remove the equestrian component from the PUD, eliminate the 500 S. road from the plat, vacate the northern half of the plat (this area will be developed as phase II), and increase the area of the subdivision by adding 15,000 square feet located on Center Street. The original plat was recorded on August 8, 2007 and the project was partially constructed. The south end of the development that includes building pads 1-14 was constructed as per the approved plans but the north end of the PUD was constructed as per an approved plat amendment that was never recorded. That unrecorded plat included property outside of the original plat and that property is no longer available so the possibility of recording that original plat amendment is no longer possible. Also because the infrastructure on the north end was constructed as per the original plat amendment, that infrastructure must be modified to match the current proposal because some of those improvements now encroach on neighboring properties.

Planner Henke explained that since construction ceased in 2008 the property has remained in an unfinished state. The property cannot be farmed how it was traditionally farmed because it is dissected by roads and other improvements and building permits cannot and have not been issued because the subdivision has been unfinished. At this point it is seems the best course of action would be to approve the best plan possible so the property may be improved.

Planner Henke explained that as mentioned earlier, there are several changes from the original plan. First, the northern section of the plat will be vacated and the project will be developed in two phases. The first phase will be pads 1-14 and the second phase will be pads 15-37. Second, the density will increase from 24 to 37 units though only 14 units will be in phase I of the plat amendment. 37 units are still less than the maximum allowed at 44 units for 22 acre parcel. The limiting factor is the open space for the development. The proposed plan has 11.35 acres of open space (51.43%). The requirement for a PUD is 50%. The shape of the parcel and the layout of the roads make it impossible for anymore density than 37 units unless the road layout is drastically modified. The density increase is also possible because some of the amenities from the original proposal have been removed from the plan. These include all the equestrian uses

such as stables, barns, and arena that had been planned. Also the pool and clubhouse have been removed from the plan. With the proposed plan other amenities have been added which include a tennis court and a playground area. Another modification is the layout of the roads on the north end of the project (this area is located in phase II). Originally the City had planned to extend 500 South from 250 West to Center Street and a section of the road would have crossed that property. The ability to connect the road at 500 South does not seem likely because of the number of homes along the route. It is much more likely that the connection is made at about 400 South across the undeveloped parcels that will not require the removal of existing homes and will most likely be built be developers. What is now proposed in the subdivision is a cul-de-sac that will not connect to the north boundary line of the property. An access easement will need to be recorded across the area of phase II because the road length in phase I will be longer than 500'. The access easement will supply a second point of access and will need to be open and maintained, including snow removal, by the HOA.

Planner Henke gave a power point presentation of the property:

LAND USE SUMMARY:

- 22.07-acre parcel
- R-1-22 zoning
- Proposal contains 37 building pads of which 14 are located in the phase I and will be located in the plat amendment
- Project is a Planned Unit Development
- Roads will be private and maintained by the HOA
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.
- 8' paved public trail is planned along Center Street and will be built by the developer. The original recorded plat deeded and 20' public trail easement to the City.

(Note: a copy of the presentation is available in the supplemental file.)

Planner Henke stated that the following was his analysis of the property:

Roads – The amendment will continue to be a PUD and the roads within the subdivision will be private with a public access easement that will be listed on the plat. The HOA will have the responsibility to maintain all the roads which includes all snow plowing and continual road maintenance. The original approval of the subdivision required a number of improvements along Center Street which is a UDOT owned and maintained road. The developer has asked that those requirements be reduced. It is staff's opinion that all the original requirements continue. Staff disclosed the improvement requirements before the current owner purchased the property and the increased density in the project should make it

more feasible to make those improvements. Furthermore, the required improvements are consistent with improvements that have been required by other developers along the same road such as the south Center LDS church. The required improvements are based on safety for those leaving and entering SR 113 which has a speed limit of 50 mph in this area.

Trails – The City's master trail plan does have an 8' paved public trail planned for Center Street (SR 113). The trail will be located in a 20' wide public trail easement. The developer will be responsible for the construction of the public trail.

Water Connection – The lots will connect to the City's water line located in the right-of-way for SR 113.

Sewer Connection – The lots will connect to Midway Sanitations District's line located in the right-of-way for SR 113.

Access easement through phase II – An access easement will need to be recorded across the area of phase II because the road length in phase I will be longer than 500'. The access easement will supply a second point of access and will need to be open and maintained, including snow removal, by the HOA. The easement will be match the existing road and the road will need to be completed as part of phase I.

Planner Henke stated that the proposed plat amendment seems to not have any major negative aspects associated with it. Though density is increasing, which should be considered, it still falls within the limitation for the R-1-22 zone. A positive aspect to the increased density is that a larger number of members of the HOA should help the HOA with maintenance of the roads, common area, and amenities. Also a parcel of land that cannot be farmed and has not improved in the last six years will be improved.

In order for the Land Use Authority to approve a plat amendment Utah State Code dictates that:

(a) there is good cause for the vacation, alteration, or amendment; and

(b) no public street, right-of-way, or easement has been vacated or altered.

Planner Henke stated that in this situation it seems there is not an issue with either of the two aforementioned items. There is good cause for the properties involved in the possibility that the project will most likely be completed if the proposed amendment is approved. Also, the aforementioned (b) does not apply in this situation because no public street, right-of-way, or easement will be negatively impacted with the proposed amendment.

Planne Henke stated there were the following possible findings for the property:

- The proposed amendment will allow the developer to more easily finish the development
- The proposed amendment does meet the zoning requirements for the R-1-22 zone.

- The proposal does seem to meet the vision of the General Plan for this area of the City.
- The density of the subdivision will be increased.
- No public street, right-of-way, or easement will be vacated or altered

Chairman Oksner asked if there was any other questions regarding this item?
No other discussion was needed.

Motion: Commissioner Maxfield moved to accept the plat amendment for High Valley Equestrian Ranch P.U.D. to be amended and redeveloped as the Deer Creek Estates P.U.D. Commissioner Maxfield also moved to accept all staff findings.

Chairman Oksner asked if there were any discussion on the proposed motion?

Commissioner Kohler felt that a condition should be added to keep the easement in place for the second point access. The other commissioners also discussed place an additional motion to have the berm removed as well.

Commissioner Maxfield agreeded to the additional conditions and added them to his motion.

Revised Motion: Commissioner Maxfield moved to accept the plat amendment for High Valley Equestrian Ranch P.U.D. to be amended and redeveloped as the Deer Creek Estates P.U.D. Commissioner Maxfield also moved to accept all staff findings. It was also moved to add the condition that the easemenment would stay in place for the second point of access and that the berm be removed.

Seconded: Commissioner O'Toole seconded the motion.
Votes: Ayes: Commissioner Waldrip, Commissioner Kohler Commissioner Ream and Commissioner Rather
Nays: None
Motion: Passed

5. **Paul Berg, agent for Aliya Development, is requesting a Plat Amendment for High Valley Ranch Subdivision Plat. Lot three (3) is being removed from the subdivision and incorporated into the Deer Creek Estates P.U.D. The existing home on the property will no longer be demolished. Therefore lot two (2) is being removed since the exisiting home sits on lots one (1) and two (2). The proposal is located at 552 South Center Street and is in the R-1-22 zone.**

Planner Henke stated that Aliya Development LLC has applied for a plat amendment of the High Valley Ranch Subdivision. The proposal will basically do the following: decrease density from four (4) to two (2) lots, lots one (1)and two (2) will be combined allowing the current dwelling to remain that currently straddles the lot line between both lots, and lot three (3) will be vacated from the subdivision and added to the Deer Creek Estates PUD as an open space area. The original plat was recorded on August 8, 2007.

Planner Henke gave a power point presentation of the property:

LAND USE SUMMARY:

- 1.46-acres
  - R-1-22 zoning
  - 2 lots
  - Project is a standard subdivision small-scale subdivision
  - The lots will connect to the Midway Sanitation District sewer and to the City's water line.
  - 8' paved public trail is planned along Center Street and will be built by the developer. The original recorded plat deeded and 20' public trail easement to the City.

(Note: a copy of the presentation is available in the supplemental file.)

Planner Henke stated that the following was his analysis of the property:

Roads –The two lots front along SR 113 which is owned and maintained by UDOT. The original approval of the subdivision required a number of improvements along Center Street which is a UDOT owned and maintained road. The developer has asked that those requirements be reduced. It is staff's opinion that all the original requirements continue. Staff disclosed the improvement requirements before the current owner purchased the property and the increased density in the project should make it more feasible to make those improvements. Furthermore, the required improvements are consistent with improvements that have been required by other developers along the same road such as the south Center LDS church. The required improvements are based on safety for those leaving and entering SR 113 which has a speed limit of 50 mph in this area.

Trails – The City's master trail plan does have an 8' paved public trail planned for Center Street (SR 113). The trail will be located in a 20' wide public trail easement. The developer will be responsible for the construction of the public trail.

Water Connection – The lots will connect to the City's water line located in the right-of-way for SR 113.

Sewer Connection – The lots will connect to Midway Sanitations District's line located in the right-of-way for SR 113.

Planner Henke stated that the proposed plat amendment seems to not have any major negative aspects associated with it. The density will decrease in this subdivision by half.

In order for the Land Use Authority to approve a plat amendment Utah State Code dictates that:

(a) there is good cause for the vacation, alteration, or amendment; and

(b) no public street, right-of-way, or easement has been vacated or altered.

Planner Henke explained that in this situation it seems there is not an issue with either of the two aforementioned items. There is good cause because density will decrease and the number of driveways accessing SR 113 will be reduced making a safer traffic situation and a safer trail situation with the number of crossing being reduced. Also, the aforementioned (b) does not apply in this situation because no public street, right-of-way, or easement will be negatively impacted with the proposed amendment.

Planne Henke stated there were the following possible findings for the property:

- The proposed amendment does meet the zoning requirements for the R-1-22 zone.
- The proposal does seem to meet the vision of the General Plan for this area of the City.
- The density of the subdivision will decrease.
- The access to SR 113 will be safer with less access points and the trail will be safer with less crossings.
- No public street, right-of-way, or easement will be vacated or altered.

Chairman Oksner asked if there was any other questions regarding this item?
No other discussion was needed.

Motion: Commissioner Maxfield made the motion to approve the Plat Amendment for High Valley Ranch Subdivision Plat. Lot three (3) is being removed from the subdivision and incorporated into the Deer Creek Estates P.U.D. The existing home on the property will no longer be demolished. Therefore lot two (2) is being removed since the existing home sits on lots one (1) and two (2). Commissioner Maxfield also moved to accept all staff findings. Also with the condition that the original easement is granted to the City for the trail.

Chairman Oksner asked if there were any discussion on the proposed motion?
No further discussion was needed.

Seconded: Commissioner O'Toole seconded the motion.
Votes: Ayes: Commissioner Waldrip, Commissioner Kohler Commissioner Ream and Commissioner Rather.
Nays: None
Motion: Passed

6. Paul Berg, agent for Aliya Development, is requesting a Master Plan Approval for Phase one (1) and two (2) for Deer Creek Estates P.U.D. (formerly High Valley Ranch).

The proposal is for 37 lots located at 700 South Center Street. The property is 22.16 acres and is in the R-1-22 zone.

Planner Henke stated that Aliya Development LLC has applied for a plat Master Plan of the High Valley Equestrian Ranch PUD which we be redeveloped as the Deer Creek Estates PUD. The applicant is proposing that the 37 unit project will be developed in two phases. The first phase will be located on the south side of the development area and will contain building pads 1-14. The second phase will be located to the north and will contain pads 15-37. Each phase will need to receive final approval from the City if the master Plan is approved.

Planner Henke explained again this project is partially constructed and no development activity has been pursued since 2008. Since construction ceased in 2008 the property has remained in an unfinished state. The property cannot be farmed how it was traditionally farmed because it is dissected by roads and other improvements and building permits cannot and have not been issued because the subdivision has been unfinished. At this point it is seems the best course of action would be to approve the best plan possible so the property may be improved.

Planner Henke stated that 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. Deer Creek Estates phase I does meet these requirements as long as an access easement is recorded across the road through phase II and that currently unfinished road is completed. This is required because the road length in phase I will be longer than 500'. The access easement will supply a second point of access and will need to be open and maintained, including snow removal, by the HOA. Otherwise, phase I does meet the open space requirements of at least 50% within its boundaries.

Planner Henke gave a power point presentation of the property:

LAND USE SUMMARY:

- 22.07-acre parcel
- R-1-22 zoning
- Proposal contains 37 building pads of which 14 are located in phase I and 23 pads will are located in phase II
- Project is a Planned Unit Development
- Roads will be private and maintained by the HOA
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.

- 8' paved public trail is planned along Center Street and will be built by the developer. The original recorded plat deeded and 20' public trail easement to the City.

(Note: a copy of the presentation is available in the supplemental file.)

Planner Henke stated that the following was his analysis of the property:

Roads – The amendment will continue to be a PUD and the roads within the subdivision will be private with a public access easement that will be listed on the plat. The HOA will have the responsibility to maintain all the roads which includes all snow plowing and continual road maintenance. The original approval of the subdivision required a number of improvements along Center Street which is a UDOT owned and maintained road. The developer has asked that those requirements be reduced. It is staff's opinion that all the original requirements continue. Staff disclosed the improvement requirements before the current owner purchased the property and the increased density in the project should make it more feasible to make those improvements. Furthermore, the required improvements are consistent with improvements that have been required by other developers along the same road such as the south Center LDS church. The required improvements are based on safety for those leaving and entering SR 113 which has a speed limit of 50 mph in this area.

Trails – The City's master trail plan does have an 8' paved public trail planned for Center Street (SR 113). The trail will be located in a 20' wide public trail easement. The developer will be responsible for the construction of the public trail.

Water Connection – The lots will connect to the City's water line located in the right-of-way for SR 113.

Sewer Connection – The lots will connect to Midway Sanitations District's line located in the right-of-way for SR 113.

Access easement through phase II – An access easement will need to be recorded across the area of phase II because the road length in phase I will be longer than 500'. The access easement will supply a second point of access and will need to be open and maintained, including snow removal, by the HOA. The easement will be match the existing road and the road will need to be completed as part of phase I.

Planne Henke stated there were the following possible findings for the property:

- The proposed amendment will allow the developer to more easily finish the development
- The proposed amendment does meet the zoning requirements for the R-1-7 zone.
- The proposal does seem to meet the vision of the General Plan for this area of the City.
- The density of the subdivision will be increased.
- No public street, right-of-way, or easement will be vacated or altered

Chairman Oksner asked if there was any other questions regarding this item?
No other discussion was needed.

Motion: Commissioner Maxfield made a motion to approve the Master Plan for Phase one (1) and two (2) for Deer Creek Estates P.U.D. (formerly High Valley Ranch). The proposal is for 37 lots which will be done in two (2) phases, Phase one (1) with 14 lots and Phase two (2) the remaining 23 lots. Commissioner Maxfield also moved to accept all staff findings. With the condition that they provide an easement to the City for secondary access.

Chairman Oksner asked if there were any discussion on the proposed motion?

City Engineer, Wes Johnson discussed the importance that with the Master Plan approval they make a note that any lines/laterals are disconnected or abandoned, that they are abandoned at the main line.

Commissioner Maxfield and Commissioner Waldrip agreed with that additional condition.

Revised Motion: Commissioner Maxfield made a motion to approve the Master Plan for Phase one (1) and two (2) for Deer Creek Estates P.U.D. (formerly High Valley Ranch). The proposal is for 37 lots which will be done in two (2) phases, Phase one (1) with 14 lots and Phase two (2) the remaining 23 lots. Commissioner Maxfield also moved to accept all staff findings. With the condition that they provide an easement to the City for secondary access and that all lines/laterals that are disconnected or abandoned, be abandoned at the main line.

Seconded: Commissioner Waldrip seconded the motion.
Votes: Ayes: Commissioner O'Toole, Commissioner Kohler Commissioner Ream and Commissioner Rather
Nays: None
Motion: Passed

7. **Paul Berg, agent for Aliya Development, is requesting a Final Approval for Phase one (1) for Deer Creek Estates P.U.D. (formerly High Valley Ranch). The proposal is for 14 lots located at 700 South Center Street. The property is 10.53 acres and is in the R-1-22 zone.**

Planner Henke stated that Aliya Development LLC has applied for final approval of Deer Creek Estates PUD Phase I. This phase contains 14 building pads located on 10.53 acres. This phase is the first of two phases with the second containing the remainder of the 37 lots in the Master Plan. This phase of the project is mostly constructed with roads, utility infrastructure and laterals already in place. What has not been constructed consists of the public trail along SR 113, road improvements on SR 113 and landscaping in the common area/open space. The developer will need to either build these items before the plat is recorded or post a bond to cover the cost of the improvements. Also an access easement will need to be recorded across phase II because the road length in phase I will be longer then 500'. The access easement will supply a second point of access and will need to be open and maintained, including snow removal by the HOA.

Planner Henke explained again this project is partially constructed and no development activity has been pursued since 2008. Since construction ceased in 2008 the property has remained in an

unfinished state. The property cannot be farmed how it was traditionally farmed because it is dissected by roads and other improvements and building permits cannot and have not been issued because the subdivision has been unfinished. At this point it is seems the best course of action would be to approve the best plan possible so the property may be improved.

Planner Henke explained that the Land Use Code requires that each phase of a Master Plan must can still function autonomously if subsequent phases are not completed. Therefore the Master Plan application must demonstrate the 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. Deer Creek Estates phase I does meet these requirements as long as an access easement is recorded across the road through phase II and that currently unfinished road is completed. Otherwise, phase I does meet the open space requirements of at least 50% within its boundaries.

Planner Henke gave a power point presentation of the property:

LAND USE SUMMARY:

- 10.53 –acre parcel
- R-1-22 zoning
- Proposal contains 14 building pads
- Project is a Planned Unit Development
- Roads will be private and maintained by the HOA with a public access easement that will be recorded on the plat.
- The lots will connect to Midway Sanitation District sewer and to the City's water line.
- 8' paved public trail is planned along Center Street and will be built by the developer. The original recorded plat deeded and 20' public trail easement to the City.

(Note: a copy of the presentation is available in the supplemental file.)

Planner Henke stated that the following was his analysis of the property:

Roads – The amendment will continue to be a PUD and the roads within the subdivision will be private with a public access easement that will be listed on the plat. The HOA will have responsibility to maintain all the roads which includes all snow plowing and continual road maintenance. The original approval of the subdivision required a number of improvements along Center Street which is a UDOT owned and maintained road. The developer has asked that those requirements be reduced. It is staff's opinion that all original requirements continue. Staff disclosed the improvement requirements before the current owner purchased the property and the

increased density in the project should make it more feasible to make those improvements. Furthermore, the required improvements are consistent with improvements that have been required by other developers along the same road such as the south Center LDS church. The required improvements are based on safety for those leaving and entering SR 113 which has a speed limit of 50 mph in this area.

Trails – The City's master trail plan does have an 8' paved public trail planned for Center Street (SR 113). The trail will be located in a 20' wide public trail easement. The developer will be responsible for the construction of the public trail.

Water Connection – The lots will connect to the City's water line located in the right-of-way for SR 113.

Sewer Connection – The lots will connect to the Midway Sanitation District's line located in the right-of-way for SR 113

Architecural drawings – Architectural drawings of the proposed units have not been submitted to the City and should be submitted and reviewed before the City Council reviews the project.

Access easement through phase II – An access easement will need to be recorded across the area of the phase II because the road length in phase I will be longer then 500'. The access easement will supply a second point of access and will need to be open and maintained, including snow remova, by the HOA. The easement will need to match the existing road and the road will need to be completed as part of phase I.

Planne Henke stated there were the following possible findings for the property:

- The proposal does meet the zoning requirements for the R-1-22 zone.
- The proposal does seem to meet the vision of the General Plan for this area of the City.

Planner Henke also stated that there were the following possible conditions:

1. The water board must approve the proposed plans before the proposal will be placed on a City Council agenda.
2. The sewer district must approve the proposed plans before the item is heard before the City Council.
3. Architectural drawings of the proposed units are submitted to the City and reviewed before the City Council reviews the project.

Paul Berg stated that basically what the the applicant is requesting is to vacate the current plat P.U.D, approve a new two (2) lot subdivision that was originally four (4) lot, master plan approval for new P.U.D., and final approval for 14 lots, and come back later for the final 23

Commissioners debated finishing road and trail all at once, or they should just build in phases?

They also discussed doing a bond for the trails, and if phase two was to go away, then the City could call upon the bond to finish the trail.

The applicant was comfortable with doing the bond for the trails.

Chairman Oksner asked if there was any other questions regarding this item?
No other discussion was needed.

Motion: Commissioner Maxfield made a motion to accept Final Approval for the Phase one (1) for Deer Creek Estates P.U.D. (formerly High Valley Ranch). The proposal is for 14 lots. Commissioner Maxfield also moved to accept all staff findings and conditions. Commissioner Maxfield also including the following additional conditions: entire storm drain system be a functional operational system, that the entire roadway improvements of Center Street be constructed in Phase One (1), that the entire trail system indentified for this property be constructed in Phase two (2), and be bonded with Phase one (1) for a three year period, with the trail being constructed at the conclusion of Phase two (2) or at the conclusion of the three year period of the bond, the Bern be removed in phase one (1), and that the section of entrance in phase two not paved be done in phase one.

Chairman Oksner asked if there were any discussion on the proposed motion?

The commissioners discussed the striping of Center Street with the respect to recommendation to City Council directing staff to negotiate with UDOT to accommodate a road bike path. Planner Henke stated that he would make sure that it was passed along to City Council.

No other comments were made.

Seconded: Commissioner O'Toole seconded the motion.
Votes: Ayes: Commissioner Waldrip, Commissioner Kohler, Commissioner Ream and Commissioner Rather
Nays: None
Motion: Passed

Chairman Oksner asked for adjornment
Commissioner Maxfield moved for adjournment at 9:43 p.m.

Unapproved Minutes