

**MIDWAY WATER ADVISORY BOARD
MONDAY November 1, 2021
MEETING MINUTES**

Minutes of the Midway Water Advisory Board meeting held November 1, 2021, at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

Roll Call

Irrigation Members: President Steve Farrell, Grant Kohler, and Brent Kelly. Midway City: Mayor/Chair Celeste Johnson, City Councilman Steven Dougherty, City Councilman Jeff Drury, Wes Johnson, City Engineer, Michael Henke, City Planner and Jennifer Sweat, Treasurer/Midway Water Advisory Board Secretary.

General Consent Calendar

Mayor/Chair Celeste Johnson asked for approval of the General Consent Calendar which consisted of:

- a. Approval of the Agenda for November 1, 2021
- b. Approval of the minutes for October 4, 2021

Motion: City Councilman Jeff Drury made a motion to approve the General Consent Calendar, Midway Irrigation Member Grant Kohler 2nd the motion.

Mayor/Chair Celeste Johnson asked if there were further questions regarding this item? There was not.

Motion was carried unanimously.

The Village – Approx. 550 East Main – updated information for project

This item has been before the board on two other occasions the most recent one being in October 2021. The applicant would like to review the water calculations and discuss change applications for the project. Michael Henke, City Planner reviewed the project with giving the land use summary that was before the board previously:

- 27.47 acres
- 8.68 acres of open space
- C-2 zone
- 44,128 square feet of commercial space
- 143 townhomes
- Sensitive lands
 - Slopes 25% and greater

The board reviewed the plan via plat maps, architectural drawings, and google earth images.

The recommended water requirement given by this board at the last meeting was

- Occupancy for gym has been adjusted from 200 to 299

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- 9.91-acre feet to 14.82-acre feet
- Gym square feet changed from 26,737 to 39,932
- Occupancy for restaurant has been adjusted from 185 to 371
 - 3.68-acre feet to 7.34-acre feet
 - Total recommended water requirement is 172-acre feet

Adjusted from 163.41-acre feet

Estimated Water Needs for The Village Project

	Commercial														Residential			Irrigation		Project				
	Total Building (sf)	Office 25% of (employee Code)	Water Use per State Code (gpd)	Midway Adjustme nt Factor	Required Water Rights for Office (acre-feet)	Retail 25% of sf (toilet room)	Water Use per State Code (gpd)	Midway Adjustme nt Factor	Water Rights Required for Retail (acre-feet)	Restauran ts 50% of (seats)	Water Use per State Code (gpd)	Midway Adjustme nt Factor	Requird Water Rights for Restaurants (acre-feet)	Spa Club Gym and Pool (person)	Water Use per State Code (gpd)	Midway Adjustme nt Factor	Required Water Rights for Spa Club Gym and Pool (acre-feet)	Residential Homes (home)	Residential Water Use (acre-feet)	Water Rights for Inside Use (acre-feet)	Irrigated Area (acres)	Water Use (acre-feet)	Required Water Rights for Irrigation (acre-feet)	Total Required Water Rights (acre-feet)
Non-Gym/Total Gym/Spa	22,266 39,932	56	15	1.77	1.66	6	500	1.77	5.95	371.1	10	1.77	7.36	300	25	1.77	14.87							14.96
Residential Irrigation	314,600 403,801																	143	0.8	114.4	9.27	3	27.81	114.4
Project Total	22,266				1.66				5.95				7.36				14.87			114.4			27.81	172.04

Since the last meeting, the plan has been more refined in the applicant's opinion, and he wanted to present the new water calculations.

- Increase office requirement from 1.66 to 2.26
- Decrease retail requirement from 5.95 to 1.98
 - Toilets reduced from 6 to 2
- Decrease restaurant requirement from 7.36 to 3.43
 - Attendees reduced from 300 to 173
- Decrease spa and pool requirement from 14.87 to 5.7
- Total requirement reduction from 172.04 to 155.58

Calculations																								
Commercial															Residential					Irrigation			Project	
	Total Buildings (sf)	Office (employees)	Water Use per State Code (gpd)	Midway Adjustment Factor	Required Water Rights for Office (acre-feet)	Retail (toilet room)	Water Use per State Code (gpd)	Midway Adjustment Factor	Water Rights Required for Retail (acre-feet)	Restaurants (seats)	Water Use per State Code (gpd)	Midway Adjustment Factor	Required Water Rights for Restaurants (acre-feet)	Spa Club Gym and Pool (persons)	Water Use per State Code (gpd)	Midway Adjustment Factor	Required Water Rights for Spa Club Gym and Pool (acre-feet)	Residential Homes (homes)	Residential Water Use (acre-feet)	Water Rights for Inside Use (acre-feet)	Irrigated Area (acres)	Water Use (acre-feet)	Required Water Rights for Irrigation (acre-feet)	Total Required Water Rights (acre-feet)
Restaurant																								
Office	11,400	76	15	1.77	2.26		2	500	1.77	1.98	173	10	1.77	3.43										3.43
Retail	5,100																							1.98
Gym/Spa	39,932														115	25	1.77	5.70						5.70
Residential	314,600																		143	0.8	114.4			114.4
Irrigation	403,801																				9.27	3	27.81	27.81
Project Total					2.26				1.98				3.43				5.70			114.4			27.81	155.58
Gym/Spa Rational																								
		Square Feet	% of PC of	Gallons per Year (ratio of to PC)	Gallons using chart above (state formula)																			
Gym/Spa		39,288	28%	1,047,063	1,857,304																			
PC Same/Request 2013		70,000	100%	1,800,000	1,853,301																			
Restaurant Comparisons																								
Examples	Floorspace (sf)	Chairs																						
OS	1150	50																						
Loues	1417	19																						
Loues w/porch	2128	35																						
Kitchen BB	4000	92																						

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Requirements												
Commercial												
	Total Buildings (sf)	Office (employees)	Water Use per State Code (gpd)	Midway Adjustment Factor	Required Water Righs for Office (acre-feet)	Retail (toilet room)	Water Use per State Code (gpd)	Midway Adjustment Factor	Water Rights Required for Retail (acre-feet)	Restaurants (seats)	Water Use per State Code (gpd)	Midway Adjustment Factor
Restaurant	11,605									173		
Office	7,586	76	15	1.77	2.26							
Retail	5,300					2	500	1.77	1.98			
Gym/Spa	19,288											
Residential	286,000											
Irrigation	403,801											
Project Total					2.26				1.98			
Gym/Spa Rational												
	Square Feet	% of PC sf	Gallons per Year (ratio sf to PC)	Gallons using chart above (state formula)	w/ Midway Multiple							
Gym/Spa	19,288	28%	1,047,063	1,857,394	1,853,301							
PC Swim/Raquet 2019	70,000	100%	3,800,000									
Restaurant Comparables												
Examples	Floorspace (sf)	Chairs	Chairs/sf									
OG	3150	50	0.016									
Lolas	1417	19	0.013									
Lolas w/porch	2128	35	0.016									
Kitchen 88	4000	92	0.023									
Residential												
Irrigation												
Project												
Required Water Rights for Restaurants (acre-feet)	Spa Club Gym and Pool (person)	Water Use per State Code (gpd)	Midway Adjustment Factor	Required Water Rights for Spa Club Gym and Pool (acre-feet)	Residential Homes (home)	Residential Water Use (acre-feet)	Water Rights for Inside Use (acre-feet)	Irrigated Area (acres)	Water Use (acre-feet)	Required Water Rightrs for Irrigation (acre-feet)	Total Required Water Rights (acre-feet)	
7 3.43											3.43	
											2.26	
											1.98	
	115	25	1.77	5.70							5.70	
					143	0.8	114.4				114.4	
								9.27	3	27.81	27.81	
3.43				5.70			114.4			27.81	155.58	

Dan Luster stated that he had been reviewing the architectural design more in depth with his architect and he felt the plan was more refined based on the people that are looking at purchasing the pads in the development. The board and applicant discussed the sizes of the restaurant, and the type of restaurants were comparable to what was planned. Those were Lola's, Back 40, Fernweh and the OG Café. The board also discussed the gym, and the state standards were what was used for calculation. There was discussion on the pool (2 planned) and water features.

There was a lot of discussion about other projects in Midway City, and the way those developments or projects had their water calculated. Dan Luster stated that in the previous plans the board have seen of this project were

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not accurate, it was really a big swing not using correct water calculations. For example, they based some figures on twenty-five gallons per minute, and it should have been ten gallons per minute.

The board felt more comfortable with the previous recommendation of 172.04, and how it was calculated. With the understanding is that this is for Master Plan and as each phase come into the Water Advisory Board and City Council the use will be more defined and more accurate. The board discussed figuring the commercial use by ERU however some members thought ERU was not “apples to apples” because the use for a restaurant vs. an office space is very different. The idea was to have a starting point and try to agree on how to produce the calculations. There was debate on the use, compared to seller, new owner, or new seller. Dan Luster feels the board is requiring too much water, and he is wanting the board to be reasonable and fair with the amount required.

There was discussion on the best way to produce the escrow amount of the water. Really this is the first development that has had pad development.

City Councilman Jeff Drury summarized that the bottom line is that the board is being asked to reduce the water requirement from 172.04 to 155.58 and it felt that the board needed additional information and so he was going to make the following motion.

Motion: City Councilman Jeff Drury made the motion that this item be continued and to ask the developer to calculate based on fire code occupancy for these buildings and to make possible calculations based on ERU and to bring those numbers backed to us and then we can make a recommendation with that information available. Midway Irrigation President/Co-Chair Steve Farrell 2nd the motion.

Mayor/Chair Celeste Johnson asked if there were further questions regarding this item?

City Councilman Steve Dougherty asked what that was going to do to the calendar for the meeting on November 16th if we do not have the water calculations recommendation. Planner Henke stated that the way the code reads is that once the Master Plan is approved, the Master Plan agreement has to be recorded/executed within 45 days, which means the water would need to be in escrow by 45 days.

Dan Luster the applicant stated he was fine with removing himself from the City Council Agenda on November 16th, because he was not comfortable being on agenda without know what he was required of the project.

The board discussed that the next meeting would be December 6th, and that was the day before the next City Council meeting, so that would not give a 2-week noticing period, so it would be moved to the next City Council Meeting, which was December 21st, however that meeting has been cancelled. Midway Irrigation President /Co-Chair Steve Farrell asked if City Council is having the meeting on December 7th which they are, and so what if the if the applicant can get us the information could the Water Advisory Board meet on November 29th? The noticing would still go out for the 2 weeks’ notice since it is a public comment meeting for December 7th.

Everyone was ok with this meeting date change. Motion remained the same except the date of next meeting changed as per discussion.

Motion: City Councilman Jeff Drury made the motion that this item be continued and to ask the developer to calculate based on fire code occupancy for these buildings and also to make possible calculations based on ERU and to bring those numbers backed to us and then we can make a recommendation with that information available. If the information is ready, we can then move the December water advisory board meeting to Monday, November 29th and the calculations would need to be ready by November 24th. Midway Irrigation President/Co-Chair Steve Farrell 2nd the motion.

Mayor/Chair Celeste Johnson asked if there were further questions regarding this item? There was not.

Motion was carried with all members voting Aye except for City Councilman Steve Dougherty who voted Nay. Motion has passed.

The Change Application for The Village

1. Wilson Water Right

- 11 acres
- 33-acre feet
- Diverted to Alpenhof Weber Well

2. Holmes Western Deer Springs

- 10.69 acres
- 32.07-acre feet
- Diverted to Alpenhof Weber Well

The board discussed the change applications, and the need to recharge the aquifer.

Motion: Midway Irrigation Member Grant Kohler made the motion to recommend to City Council the approval of the Wilson Water Right Change Application to accept the 11 acres of irrigated land, with 33-acre feet of water which is already in the River Ditch, and it continue into our system to recharge the aquifer and diverted into the Alpenhof and Alpenhof Weber Well. City Councilman Steven Dougherty 2nd the motion.

Mayor/Chair Celeste Johnson asked if there were further questions regarding this item? There was not.

Motion was carried unanimously.

Motion: Midway Irrigation Member Grant Kohler made the motion to recommend to City Council the approval of the Holmes Western Deer Springs Change Application to accept the 10.69 acres of irrigated land, with 32.07-acre feet of water and be diverted into the Alpenhof and Alpenhof Weber Well contingent upon the change application to transfer the diversion of the water to the River Ditch. City Councilman Steven Dougherty 2nd the motion.

Mayor/Chair Celeste Johnson asked if there were further questions regarding this item? There was not.

Motion was carried unanimously.

New Old/Business

Water Requirements in Wetlands – Code Text Amendment

City Planner Henke gave details about this amendment that is being proposed which came when discussing Remund Farms, because there was nothing in the code for wetland, and Staff requested to make the change.

The purpose of this item is to amend Title 10 so that if a property is developed that has a delineated wetland that has been historically irrigated, the developer would be required to dedicate sufficient irrigation water rights to ensure that the wetlands can continue to be irrigated

The Possible findings for the change are

- The proposed amendment will require water rights to be turned over for the continued irrigation of historically irrigated delineated wetlands
- The proposed amendment would ensure that adequate irrigation is provided in the event a wetland boundary changes, allowing a former wetland to be landscaped and irrigated

The proposed code language is (proposed text in RED)

TABLE 1

MIDWAY CITY

WATER REQUIRED FOR BUILDING AND DEVELOPMENT

NOTE: The following general formula will be used in determining the required number of acre feet of water. The city will utilize its own experience and Division of Drinking Water Standards in allocating specific water requirements.

Indoor Culinary Usage: 0.8 acre-feet of water per equivalent residential unit

Outdoor Irrigation Usage:

For lots measuring less than 14,520 sq. ft.: 5,000 sq. ft. will be subtracted for impervious surface that will not be calculated for outdoor water requirements.

For lots measuring 14,520 sq. ft. or more: 8,000 sq. ft. will be subtracted for impervious surface that will not be calculated for outdoor water requirements.

All irrigated areas in the subdivision (including park strips and water features) are required 3-acre feet of water.

Areas proposed for development that has delineated wetlands and has been historically irrigated and/or has had water rights may be required to dedicate water rights to ensure that the wetlands can continue to be irrigated.

The City reserves the right to require water rights anywhere that the City feels that a future property owner will want to irrigate in the future, even if the property has not been historically irrigated.

Commercial Usage: Water requirements will be determined by the city on a case-by-case basis using the above formulas and applying any factors unique to the application.

The board reviewed the proposed code language change. There were suggestions to replace the “may” to “will” and to replace “and/or” to “or”

Areas proposed for development that has delineated wetlands and has been historically irrigated or has had water rights will be required to dedicate water rights to ensure that the wetlands can continue to be irrigated.

The City reserves the right to require water rights anywhere that the City feels that a future property owner will want to irrigate in the future, even if the property has not been historically irrigated.

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Motion: City Councilman Jeff Drury made the motion to recommend to City Council approve the code text amendment with the exceptions of the replacement of the word “may” to “will” and replace “and/or” to “or.” City Councilman Steven Dougherty 2nd the motion.

Mayor/Chair Celeste Johnson asked if there were further questions regarding this item? There was not.

Motion was carried unanimously.

Midway Irrigation Member Grant Kohler moved for adjournment of the meeting and City Councilman Steve Dougherty 2nd the motion.

Motion was carried unanimously.

Meeting was adjourned at 8:00 p.m.