

NOTICE AND AGENDA
MIDWAY WATER ADVISORY BOARD
MONDAY, February 7, 2022

Notice is hereby given that the Midway Water Advisory Board will hold their regular meeting Monday, February 7, 2022 at 6:00 p.m. in the Midway City Office Building at 75 North 100 West Midway, Utah. Notice of the meeting and agenda was posted in the Midway City Office Building, Main Street Station and 7-Eleven, a copy was sent to each of the Trustees and a copy posted on the Utah Meeting Notice Web Site.

The agenda shall be as follows:

1. General Consent Calendar
 - a. Approve Agenda January 3, 2022
 - b. Approve Meeting Minutes November 29, 2022
2. Appenzell PUD Master Plan Amendment
 - a. Discussion on Water Requirements
 - b. Possible Recommendation to City Council
3. Midway Heritage Development LLC/ The Village
 - a. Transfer of M&I Water for Culinary USe
 - b. Possible Recommendation to City Council
4. New/Old Business - No motions or recommendations
5. . Adjourn

General Consent Calendar

MIDWAY WATER ADVISORY BOARD
MONDAY January 3, 2022
MEETING MINUTES

Minutes of the Midway Water Advisory Board meeting held January 22, 2022, at 6:00 p.m. in the Midway City Office Building, 75 North 100 West, Midway, UT.

Roll Call

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

City Councilman Jeff Drury was excused for tonight's meeting.

General Consent Calendar

Midway Irrigation President/Chair Steve Farrell asked for approval of the General Consent Calendar which consisted of:

- a. Approval of the Agenda for January 3, 2022
- b. Approve Meeting Minutes November 29, 2021

Motion: Midway Irrigation Member Grant Kohler made a motion to approve the General Consent Calendar, Midway Irrigation Member Brent Kelly 2nd the motion.

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

Motion was carried unanimously.

Spruce Addition – 206 West Main Street

Michael Henke, City Planner reviewed the project with the board giving the land use summary for the property:

- 0.46 acres
- 20,020 square feet
- C-3 zone
- Commercial (no residential)
- 7 stalls existing
- 18 stalls proposed

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

City Planner Henke reviewed the current water for the property and the proposed use of the property:

- Currently two culinary connections

January 3, 2022

- Historic irrigation
- Current conditions:
 - 2 bathrooms
 - 2 kitchen sinks
- Proposed
 - 4 additional bathrooms
 - Expanded dining area

The board discussed the plan and reviewed the site plan. It was determined that they had enough water for the project, and additional water did not need to be turned in.

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

Motion: Mayor/Co-Chair Celeste Johnson made the motion that the Spruce Addition have adequate water for the project, and additional water is not needed to be turned in. Midway Irrigation Member Grant Kohler 2nd the motion.

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

Motion was carried unanimously.

David and Katie Studdert – 250 East 300 South Lot of Record

Michael Henke, City Planner stated that this property was a lot of record, and they were coming before the board to review the water for the lot.

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

City Planner Henke presented the status of the lot:

- Created on September 25, 1940
- 5.06 acres
- Qualified as a lot of record
 - Predated Midway zoning and development codes
 - Midway code or State code did not require the recording of a subdivision plat
- Cannot be subdivided or boundaries amended without land use authority approval
- Petitioning for one culinary connection

The board discussed the project, and the water requirements regarding culinary and irrigation water.

Midway Irrigation President/Chair Steve Farrell asked if there were further questions regarding this item? There was not.

Motion: Mayor/Co-Chair Celeste Johnson made the motion to recommend approval for the David and Katie Studdert property to City Council that 1.5-acre feet of water be dedicated to the city and that we allow for the culinary use of .80 and that the remainder .70 to be used to irrigate the third acre parcel with any additional irrigation needs be run through the irrigation company. Culinary Water will be not available to water any of the lot, only Midway Irrigation Water. With the clarification that they will have a meter for the house and their secondary water. Midway Irrigation Member Grant Kohler 2nd the motion.

New Old/Business

- Annual Irrigation Meeting will be Saturday, January 8th at the Town Hall
 - Will be presenting a request for a loan to put secondary meters on existing homes
- Regional meeting on January 18th at 9:00 a.m.

Midway Irrigation President/Chair Steve Farrell if there was anything else that needed to be discussed? There was not.

Mayor/Co-Chair Celeste Johnson moved for adjournment, and Midway Irrigation Member Grant Kohler 2nd the motion.

Motion was carried unanimously. Meeting was adjourned at 6:30 p.m.

Appenzell PUD Master Plan Amendment

Jennifer Sweat

From: David Burton <david.burton@healthcatalyst.com>
Sent: Wednesday, January 19, 2022 8:23 AM
To: Jennifer Sweat
Cc: David Tew2
Subject: Midway City Water Advisory Board Application
Attachments: Midway Water Advisory Board Application signed by David Tew.pdf; Attachments to Midway City Water Advisory Board Application for Appenzell Owners' Association.pdf

Jennifer:

My name is David Burton. My wife and I live in Appenzell, and David Tew, our HOA president, and I are working with Michael Henke and Corbin Gordon to submit a Master Plan Amendment for our Appenzell PUD to separate the two vacant lots we own on Center Street from our PUD plat so we can sell them to help finance the fixing of problems we have inherited from the developer, upgrading our infrastructure and beautifying our development.

One of the items on the checklist of the Master Plan Amendment application checklist has to do with receiving preliminary approval from the Midway City Water Board "for the scheduling of all necessary water rights, water mains..." (see screenshot shown below).

A Master Plan request shall have the following characteristics:

- ☐ The Master Plan request must show each of the proposed different phases and their construction s relative to each other.
- ☐ In addition to the utility requirements for Concept Plans, the Master Plan application must be prep sufficient additional detail to receive preliminary approval from the Midway City Water Board and th Sanitation District, provide for the scheduling of all necessary water rights, water mains, sewer servic capacity and laterals for the entire Master Plan along with a schedule that matches the phasing plan.

I am enclosing pdfs of the following documents:

1. "Midway Water Advisory Application" form, which I have downloaded and completed and which our HOA president, David Tew, has signed
2. A pdf with two slides:
 - a. A zoomed-in view of the "Boundary Survey" plat produced for us by Troy Taylor of Element Land Surveying, which shows the two vacant Center Street lots (highlighted in the red outline), which we own and are planning to separate from the current P.U.D. plat as part of our Master Plan amendment so we can sell them. You can see on this view that Parcel A contains 38,944.72 square feet or 0.89 acres and Parcel B contains 24,969.27 square feet or 0.57 acres, which we assume will provide you with the information you need to do the water calculations re the shares of culinary water rights we must purchase and transfer to the City with the two lots. We believe, based on the research we have done, we will need to transfer 0.5 shares for each of the lots, since each of them is under one acre. We will appreciate you letting us know if this is correct or, if it is not, provide us with the correct information.
 - b. Sheet 9 from the "Appenzell Record Drawings" prepared by Berg Engineering as part of the package submitted by the Developer 1 Nov 2019, on which I have highlighted the two parcels and the location of

the culinary water main and the former service to Parcel A which was to have been capped at the water main.

Please let us know if these documents provide you with all the information you need to process our application and if there are fees we need to pay.

Thanks kindly,

David A. Burton
43 W Monte Rosa Lane
Midway, UT 84049-1337
(801) 718-9231

MIDWAY CITY

Planning Office

75 North 100 West
Midway, Utah 84049

Phone: 435-654-3223 x105
Fax: 435-654-2830
mhenke@midwaycityut.org

Midway Water Advisory Application

Applicant or Authorized Representative:

David M. Tew, President
Name: Appenzell Owners' Associations Phone: (435) 503-7294 Fax: _____

Mailing Address: 721 Dutch Valley Drive City: Midway State: UT Zip: 84049

E-mail Address: dmtew17@gmail.com

Project Name: Appenzell P.U.D. Master Plan Amendment

Location: 700 S Center Street, Midway, UT

Total Acreage: 23.54 Number of Units: 39 Historically Irrigated Area: 23.54 acres minus street

Existing Water Connections: 5 P.O.C.s Parcel A (552 S Center St) = 0.89 acres
Parcel B (646 S Center St) = 0.57 acres

Comments:

We are applying to amend the Master Plan of the Appenzell P.U.D. to allow us to take advantage of the open space exception provision in the City Code as amended in February of 2018, which will allow us to separate the two vacant lots on Center Street, which are currently included as open space so we can sell them and use the proceeds to pay to fix inherited problems, upgrade our infrastructure and beautify our development. Please submit with application Site Plans, Plat Maps, Drawings or any information that pertains to water calculations.

Please read and sign before application submittal

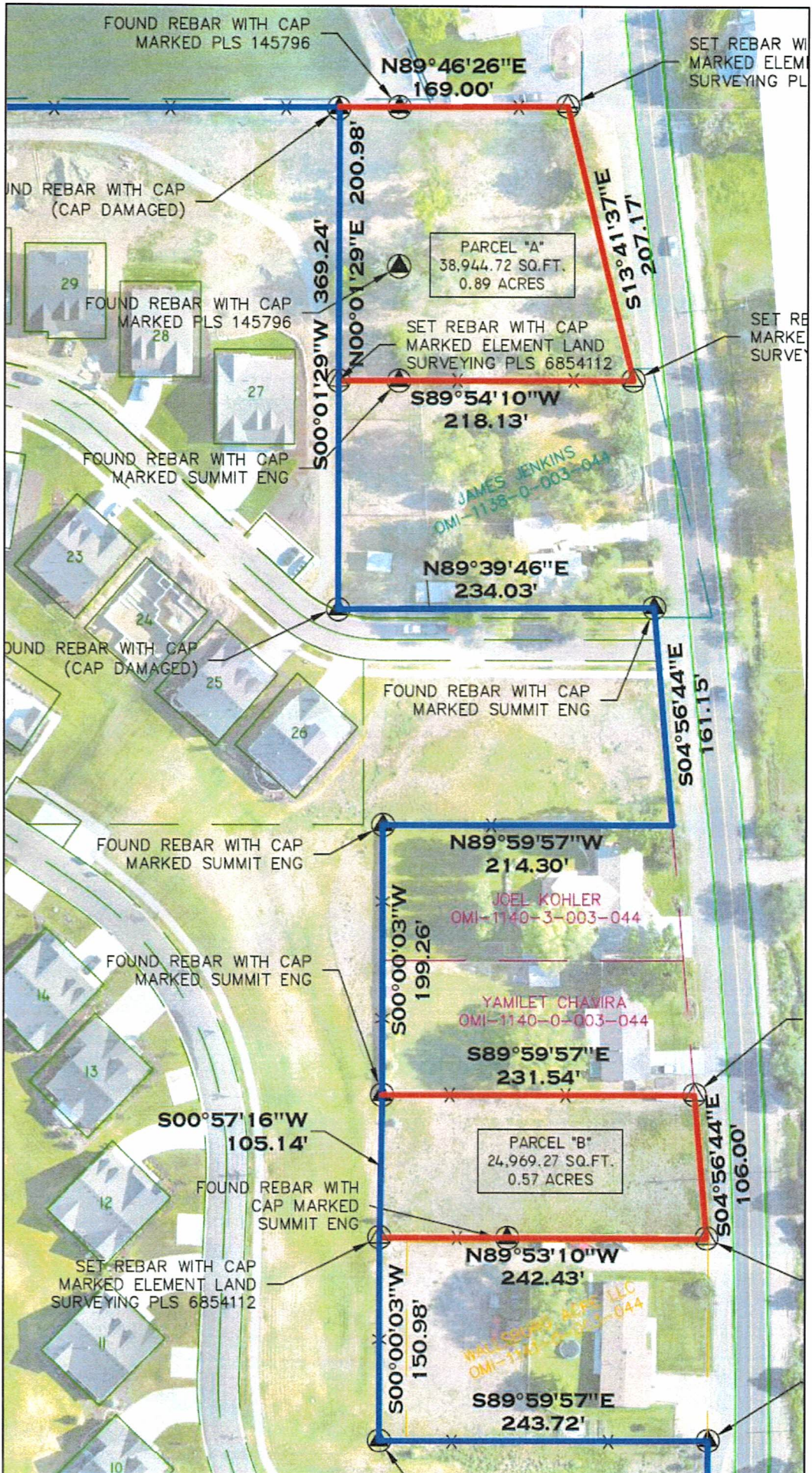
I declare under penalty of perjury that I am the owner or authorized agent of the property subject to this request and the foregoing statements, answers and attached documents are true and correct. As the applicant for this proposal, I understand that my application is not deemed complete until the Planning Office has reviewed the application. I further understand I will be notified when my application has been deemed complete. At that time, I expect that my application will be processed within a reasonable time.

Signature of Owner or Agent: David M. Tew Date: 6/19/2022

FOR OFFICE USE ONLY

STAFF:		Application Number: _____	
Date Received: _____	Received By: _____	Zone: _____	Tax ID Number: _____
Fee Paid: _____			
PLANNER:			
Complete / Incomplete			
Date: _____	Reviewed by: _____		

Boundary Survey with Parcels A and B Highlighted in Red



Midway Heritage Development LLC/The Village

MIDWAY CITY
Planning Office

75 North 100 West
Midway, Utah 84049

Phone: 435-654-3223 x105
Fax: 435-654-2830
mhenke@midwaycityut.org

Midway Water Advisory Application

Applicant or Authorized Representative:

Name: Midway Heritage Development, LLC Phone: 631-807-8466 Fax: _____

Mailing Address: 143 W. Farm Springs Ln City: Midway State: UT Zip: 84049

E-mail Address: daniel_luster@yahoo.com

Project Name: The Village

Location: Approximately 555 E. Main, Midway, UT 84049

Total Acreage: 27.61 Number of Units: 143 RES
9 COM Historically Irrigated Area: 23.61

Existing Water Connections: 0

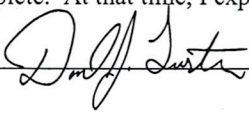
Comments:

Items for discussion: Transfer of M&I water for culinary use in Midway

Please submit with application Site Plans, Plat Maps, Drawings or any information that pertains to water calculations.

Please read and sign before application submittal

I declare under penalty of perjury that I am the owner or authorized agent of the property subject to this request and the foregoing statements, answers and attached documents are true and correct. As the applicant for this proposal, I understand that my application is not deemed complete until the Planning Office has reviewed the application. I further understand I will be notified when my application has been deemed complete. At that time, I expect that my application will be processed within a reasonable time.

Signature of Owner or Agent:  Date: 1/25/22

FOR OFFICE USE ONLY

STAFF:

Date Received: _____
Received By: _____
Fee Paid: _____

Application Number: _____
Zone: _____
Tax ID Number: _____

PLANNER:

Complete / Incomplete
Date: _____ Reviewed by: _____

MIDWAY HERITAGE DEVELOPMENT, LLC

143 W Farm Springs Lane • Midway, Utah 84049
Phone: 631-807-8466

DATE

Wasatch County Service Area No. 1
25 N Main Street
Heber City, Utah 84032

RE: Transfer of 28.82 acre-feet of M&I contract water acquired by Heber Valley Land Partners, LLC

As you are aware, Midway Heritage Development, LLC was assigned ownership of 28.82 acre-feet of M&I contract water with the Wasatch County Special Service Area No. 1 by Heber Valley Land Partners, LLC, who received assignment of this contract water from First National Bank of Wynne, who was awarded ownership by judgment of the United States District Court, District of Utah, Central Division (Civil No. 2:10-cv-01100-RS).

For valuable consideration, Midway Heritage Development, LLC does hereby transfer, convey, and assign, without warranty of any kind, all of its interest in and to 28.82 acre-feet of M&I contract water with the Wasatch County Special Service Area No. 1 to

MIDWAY CITY, a Utah municipal corporation
75 N 100 W
Midway, UT 84049

Please record on your records that MIDWAY HERITAGE DEVELOPMENT, LLC is the owner of the 28.82 acre-feet of M&I contract water and make any necessary changes on your books to reflect this conveyance.

Sincerely,

MIDWAY HERITAGE DEVELOPMENT, LLC
a Utah limited liability company
By: Luster Development, Inc., its Manager

By: _____
Daniel Luster, President

JURAT

STATE OF UTAH }
 }ss.
COUNTY OF Utah }

Subscribed and sworn before me this _____ day of _____, 20____, by
Daniel Luster.

Notary Public

MIDWAY HERITAGE DEVELOPMENT, LLC

143 W Farm Springs Lane • Midway, Utah 84049

Phone: 631-807-8466

*New/Old Business –
No motions or recommendations*

Adjourn
