

**MIDWAY WATER ADVISORY BOARD
MONDAY December 5, 2022
MEETING MINUTES**

Minutes of the Midway Water Advisory Board meeting held December 5, 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 Lance Thorston. Midway City: Mayor/Co-Chair Celeste Johnson, City Councilman Jeff Drury (via zoom), Wes Johnson, City Engineer, Michael Henke, City Planner, and Jennifer Sweat, Treasurer/Midway Water Advisory Board Secretary.

City Councilman Steve Dougherty was excused from this evening's meeting, and Lance Thorston would be voting in place of Brent Kelly for the Midway Irrigation Company.

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 December 5, 2022
- b. Approve Meeting Minutes November 7, 2022

Motion: Midway Irrigation Member Grant Kohler made a motion to approve the General Consent Calendar. Mayor/Co-Chair Celeste Johnson 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.

Springer Farms – 65 North 200 West

Michael Henke, City Planner discussed the project the board would be reviewing.

- **1.26 acres**
- **C-3 zoning**
- **Frontage 200 West (SR 222) and access to Main Street**
- **Fronts Town Square**
- **Will be recorded as one plat**
- **Private driveways, parking, and landscaping that will be common area and will be maintained by the POA**

Michael **Henke, City Planner also reviewed the land use of the property**

- **4 buildings**

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- **20 units**
 - **8 lower floor commercial units (including two possible restaurants)**
 - **10 upper floor short-term rentals (will not include kitchens, wet bars, or individual laundry facilities)**
 - **One administrative office**
 - **One full dwelling unit above restaurant**

The board reviewed the property and looked at the property via google earth and reviewed the plat map of the property as well as discussed, the previous discussion of the property that came before the board on April 4, 2022. They reviewed the previous plan, and the updated plan presented tonight (see supplemental file)

Planner Henke stated the current water use for the property was as follows:

- **Culinary connection**
 - **0.8-acre feet**
- **Outside irrigation**
 - **0.8 acres (34,848 – 8,000 square feet = 26,848 sq. ft.)**
 - **0.62 irrigated area = 1.85-acre feet**
 - **More precise measurements (34,848 – 1,850 = 32,998 sq. ft.)**
 - **0.75 irrigated area = 2.25-acre feet**
- **Total water usage = 2.65-acre feet**
- **Total water usage (precise) = 3.05-acre feet**

Planner Henke presented the following recommended water requirement from April 4, 2022.

- **# Seats x 35 GPD x 365 days per year / 325,851 Gallons per acre feet x 1.77 return flow = acre feet water requirement**
- **Restaurant seats**
 - **32 seats x 35 GPD = 0.36-acre feet x 1.77 (return flow) = 2.22-acre feet**
- **Rental Unit = 0.6-acre feet**
- **Outside irrigation 24,232 square feet (0.56 acres) = 1.68-acre feet**
- **Total = 4.5-acre feet**
- **Difference 4.5 – 1.5 = 3.0-acre feet**

Since the review in April 2022, a few things have since been changed. The board reviewed those changes via new plat maps, and drawings from the applicant, Travis Nokes. (See supplemental file)

Planner Henke presented the following revised recommended water requirements taking in account those changes:

- **# Seats x 35 GPD x 365 days per year / 325,851 Gallons per acre feet x 1.77 return flow = acre feet water requirement**
- **Restaurant seats**
 - **64 seats x 35 GPD = 0.36-acre feet x 1.77 (return flow) = 4.44-acre feet**
- **Full Dwelling = 0.8-acre feet**
- **8 nightly rental units (no kitchen/wet bar/laundry) = 8 x 0.3 = 2.4 acre-feet**
- **3 laundries = 1.07 acre-feet (services a total of 8 rooms at 180 GPD per laundry)**
- **Commercial space bathrooms (3 toilets) = 2.97 acre-feet**
- **Previous plan outside irrigation 24,232 square feet (0.56 acres) = 1.68-acre feet**
- **Current plan outside irrigation 13,776 square feet (0.24 acres) = 0.72-acre feet**
- **Total = 12.4-acre feet**

Difference 12.4-acre feet required – 4.5 credit for connection of the prior home (1.5-acre feet) and the required additional water of 3-acre feet = 7.9-acre feet still required to be turned in to Midway City.

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

Motion: Midway Irrigation Member Grant Kohler made the recommendation to City Council approval of the Springer Farms water requirement of 12.4 -acre feet of water with credit of 4.5-acre feet already turned in for a total amount of 7.9-acre feet of water required to be turned in for the project located at 65 North 200 West. Mayor/Co-Chair Celeste Johnson 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.

The Hideout – 150 South Fox Den Road – Density Reduction Subdivision

Michael Henke, City Planner discussed the project the board would be reviewing:

- **1.79 acres**
- **R-1-11 Zone**
- **2 lots**
- **Frontage on Fox Den Road**
- **Future Planned Road - 400 East (River Road)**

The board reviewed the property and looked at the property via google earth and reviewed the plat map of the property. The property is now owned by Gina Davis Honey and was previously owned by Shane Radmall. He

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originally built a garage, and no water was turned in at that time. In August 2003 Mr. Radmall came to the Water Advisory Board and requested water for a proposed home and the property at that time was .58 acres. The water advisory board made a motion he turn in 1.5-acre feet of water (1/2 share) to cover inside and outside use for his single-family home. The water was turned in December 6, 2003 (see supplemental file).

Apparently later improvements were made to the garage without a permit, new laterals were not added, and water was not turned in. To make the garage legal they are going through the subdivision process. New lines will need to be completed for water, sewer, and irrigation.

Planner Henke presented the following recommended water requirements for the property:

- **1.79-acre parcel (77,972.4 sq. ft.)**
- **1.76-acre lot area (76,665.6 sq. ft.)**
 - **Impervious area for dwelling, accessory structures, hard surfaces**
 - **0.37 acres (2 x 8,000 sq. ft. = 16,000 sq. ft.)**
 - **Irrigated acreage**
 - **1.39 acres x 3 = 4.17-acre feet**
 - **0.012 acres in park strip x 3 = 0.036-acre feet**
 - **Total irrigated acreage 1.4 (4.2-acre feet)**
 - **2 culinary connections (1 existing)**
 - **1.6-acre feet**
 - **1.5-acre feet was dedicated to the city when the home was built**
 - **5.8-acre feet required with credit of 1.5-acre feet turned in originally for a total of 4.3-acre feet requirement.**

Paul Berg, engineer for property reviewed the issues with the property, and that the homeowner has hired the building official from Wasatch County to do inspections and make the updates that are needed. Paul feels that more needs to be removed from the calculations because of the home, patio, and driveway there needs to be more than 8,000 square feet given as a credit because of the existing items he mentioned.

The board discussed this, and how things had been handled in the past. It was the recommendation of the Board to Paul that he draw up plans showing what he felt should be shown as an exception and come back to the board to ask for reconsideration if he felt the 8,000 square feet calculation should not be used. Paul stated the homeowner is trying to work with the city, and this wasn't new development. However, it must be treated that way because it's never been approved per the board. Mayor/Co-Chair Celeste Johnson stated that we appreciate the homeowner working with the City, however, there also needs to be some accountability from the homeowner doing their homework before purchasing a property.

The board and Paul continued to discuss the project, and how water calculations were being figured. There was discussion if the item should come before the Water Advisory Board Committee, or if a recommendation should be made to the City Council, and the appeal comes before the City Council.

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Motion: Mayor/Co-Chair Celeste Johnson made a motion to table this item until further details were provided to the board to make a recommendation to the City Council.

Discussion: The board discussed the motion, and what that would mean? Planner Henke stated the item could still go to the Planning Commission; however, the item would still have to go before this board again before it could go to City Council. The board would not be having a meeting again until February 2023, and so that could hold up the project, and ultimately the recommendation from this board is a recommendation, and City Council would have final say.

The motion did not receive a second, motion failed.

Discussion was then had if the board could accept the staff findings regarding water requirements presented tonight and recommend that to City Council, and that there are possible extenuating circumstances, and that they may be presented additional information which would possibly change the requirement. The board felt that might be the best way to handle this.

Motion: Midway Irrigation Member Grant Kohler made the recommendation to City Council approval of the The Hideout Density Reduction Subdivision water requirement of 5.8 -acre feet of water with credit of 1.5-acre feet already turned in for the single-family home, a total amount of 4.30-acre feet of water required to be turned in for the project located at 150 South Fox Den Road. As well as the board stating that the recommendation is based on policy, however there were some arguments made challenging the calculations that could possibly be considered by the City Council. City Councilman Jeff Drury 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.

New Old/Business

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

Co-Chair/Mayor Celeste Johnson moved for adjournment, City Council Member Jeff Drury 2nd the motion and the meeting was adjourned at 6:56 p.m.