

Midway City Council  
1 March 2022  
Regular Meeting

The Village, Phases 1 – 3 /  
Preliminary Approval &  
Conditional Use Permit



Midway

**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** March 1, 2022

**NAME OF PROJECT:** The Village

**NAME OF APPLICANT:** Midway Heritage Development, LLC

**AUTHORIZED REPRESENTATIVE:** Daniel Luster

**AGENDA ITEM:** The Village Phases 1-3 Preliminary  
Approval and Conditional Use Permit

**LOCATION OF ITEM:** 541 East Main Street

**ZONING DESIGNATIONS:** C-2

**ITEM: 7**

Dan Luster, agent for Midway Heritage Development LLC, is proposing Preliminary Approval and a Conditional Use Permit for Phases 1-3 for The Village which will 88 dwellings and seven commercial structures. The Village is a mixed-use development that contains both commercial and residential uses including commercial space in seven buildings, 143 dwellings, park, private streets with a public access easement, and private trails with a public access easement, to be developed in five phases. The master plan is on 27.47 acres and contains 8.81 acres of open space. The property located at 541 East Main is in the C-2 zone.

**BACKGROUND:**

Dan Luster, agent for Midway Heritage Development LLC, is proposing preliminary approval of The Village Phases 1-3 for The Village which will 88 dwellings and seven commercial structures on 18.89 acres. The property is located at 541 East Main and encompasses 27.47 acres and contains 8.81 acres of open space. The proposal includes at

least 44,128 square feet of commercial space in multiple buildings, 143 townhomes, park, trails, pool, and sports club. The proposed plan is a mixed-use development that will be developed in five phases. The current proposal is for preliminary approval of phases 1-3. Per the master plan agreement, the applicant cannot apply for preliminary approval of phases 4 and 5 until the correct ratios of required commercial square footage have been constructed (60% for phase 4, 80% for phase 5). Mixed-use projects are conditional uses, so the applicant is also seeking approval of a conditional use permit.

The Village that was originally conceptually approved by the City Council on May 18, 2021. On August 17, 2021, the City Council approved a conditional zone map amendment that, once all conditions have been met, will rezone the entire property to C-2. The applicant then received approval to an amended concept master plan on December 7, 2021. Since the concept master plan was approved, the applicant is now able to seek preliminary approval. If preliminary approval is granted for phases 1-3, the applicant will need to apply for final approval for each phase.

The property has historically and is currently in agricultural production except the land occupied by the automotive shop, storage units, and dwelling. Sensitive land area located on the property will be left undisturbed as required by the land use ordinance. These sensitive lands include the sloped areas at the base of Memorial Hill.

The C-2 zone allows mixed-use development. The proposal is to create a mixed-use development that will include commercial uses along Main Street and residential uses on the remainder of the property. The application covers the largest commercial properties in town. Development of the property could increase the City's tax base and add more commercial space that has become increasingly more difficult to find in the past few years. The property is also very visible from Main Street, and because of its location at the base of Memorial Hill, many residents and visitors of Midway are familiar with the property. There are existing residents and commercial businesses in the area that will be impacted by the development and careful planning must be taken to mitigate negative impacts wherever reasonably possible. Because mixed-use projects are a conditional use, the City Council may require reasonable conditions to mitigate negative impacts to the neighbors and the area. Conditional uses are governed by the following standards:

- (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
- (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

## LAND USE SUMMARY – PHASES 1-3:

- 18.89 acres (27.47 for the entire master plan)
- 5.45 acres of open space
- C-2 zone
- Three phases
- 88 residential units (143 for the entire master plan)
- Seven commercial buildings
- Private roads (public access easement), alleys, parking areas, and open space will be maintained by the HOA or POA
- Potential trail connection to Memorial Hill
- Sensitive lands on the property include sloped areas

## ANALYSIS:

*Water Rights* – Master plans require that water rights be held in escrow with the City before the master plan agreement can be recorded. The developer has submitted the required water rights and they are now in escrow. The required water rights per phase are then dedicated to the City before the recording of each plat. The Water Advisory Board has approved an estimated 166.6 acre-feet will be required for the five phases of the project (see attached Exhibit B). Water rights will need to be dedicated per phase/plat as follows:

Phase 1:	32.44 acre-feet
Phase 2:	38.57 acre-feet
Phase 3:	41.18 acre-feet
Phase 4:	37.37 acre-feet
<u>Phase 5:</u>	<u>17.04 acre-feet</u>
Total:	166.6 acre-feet

The water rights dedicated per phase will be cited on the plat with specific water rights requirements noted for each commercial building. If a use is proposed in a commercial building and the proposed use requires more water rights than has been dedicated, the applicant proposing the use will need to dedicate the needed water rights before the use is approved.



*Roads and Traffic Circulation* – Each phase of the subdivision must meet access requirements. All three phases comply with access requirements.

*Traffic Study* – A traffic study has been submitted to the City for review. The study has determined the impact of traffic generated from the proposal on the surrounding UDOT and City streets. One significant finding is a third access is required for better traffic distribution and to lower the impact on the intersection of River Road and Main Street. The third access will be from River Road. The Fire District has also reviewed the application and has recommended that a third access is needed. A third access is a requirement for the conditional approval of the zone map amendment.

*Alley Access* – The proposed plan has street access to each unit but there is also additional alley access proposed for parking access. The alley access areas will be private and will be owned and maintained by the HOA or POA. Snow removal and storage from the alley is a concern and staff has asked that a snow removal and storage plan is prepared for review and approval. The applicant has provided an area on the site plan where snow will be stored in the central open space area. The developer is developing a plan to assure functionality of the proposed master plan. The developer has provided a will-serve letter from Wasatch County Solid Waste for the current plan. Staff has concerns that there may not be enough dumpsters in both the commercial and residential areas. Staff would like to be assured that the quantity of dumpsters is enough for the proposed uses. The Fire District did meet with staff and the developer to review all fire related issues, including alley access. The proposed plan has been modified to address concerns raised in that meeting.

*Main Street Improvements* – The developer will be required to improve Main Street to UDOT requirements. Staff has asked the applicant to supply documentation of UDOT approval. Minutes from a preliminary meeting were submitted that shows the process for approval has commenced. A final approval from UDOT will be required before approval is granted.

*Density* – The maximum number of residential units is 143 as per the condition of the conditionally approved rezone of the property. The residential density per phase is as follows:

Phase 1:	10 units
Phase 2:	35 units
Phase 3:	43 units
Phase 4:	40 units
Phase 5:	15 units
Total:	143 units

*Trails* – There are no planned trails on the property as per the Trails Master Plan though all trails shown on the will have a public trail easement. The master plan requires the developer to pursue approval of a trail connection from the development to Memorial Hill. Wasatch County, owner of Memorial Hill, would need to approve the trail. It is anticipated that if a trail is built, it would be a backcountry soft surface

trail to minimize the impact on Memorial Hill and to limit a visual impact when looking at the hill. Staff's concern is that without a trail plan and design, the public will create their own trails that may have a visual impact and create an erosion impact on Memorial Hill. There are trails and sidewalks throughout the proposal and all will have a public access easement including the trail through the central open space area.

*Architecture Theme* – The developer is required to receive architectural approval of all structures in the mixed-use development, this includes all commercial and residential buildings, along with any other features that require architectural approval. Specific review of each building will be required through the building permit approval process.

*Parking* – The developer is providing 189 commercial stalls and 203 residential stalls for a total of 392 parking stalls in phases 1-3. Of the residential stalls, two stalls per unit will be provided in the garage of the unit with the other 27 residential stalls dispersed in the residential area of the development. The applicant is short the required parking for phases 1-3 by approximately 17 stalls (88 units x 2.5 spaces per unit = 220 spaces). 17 stalls will be developed as part of phase 3 that are shown on the site plan in the area of phase 4. The stalls will be paved until phase 4 is complete and then they will be removed. As each phase receives final approval, the applicant will need to show how they are going to meet the residential parking requirement of 2.5 stalls per unit. This may require the installation of some temporary parking stalls until later phases are developed, which contain the additional required parking. The parking assigned to each commercial building will be noted on the plat for each commercial building. If a use is proposed in a commercial building and the proposed use requires more parking than has been provided, the applicant proposing the use will need to provide the required parking before the use is approved.

*Required Commercial Square Footage* – The mixed-use code requires 20% of the gross square footage of all structures (except residential garages) is deed restricted as commercial. The plan presented appears to meet the requirements of the code as outlined on page 4 of the submitted plans dated January 12, 2022, for the entire development. At build out, the developer is proposing at a minimum 44,128 square feet of commercial and 81,401 square feet of residential based on building pad area and one-story buildings above grade. Most likely, most structures will be two stories above grade and the commercial building area will be 83,184 square feet and the residential space will be 242,731 square feet (the residential number is based on 143 units and excludes garage area). To assure that the commercial square feet requirement is met, the master plan requires that approvals of phases 4 and 5 (which are fully residential) are not submitted for preliminary approval until the commercial structures are built out at the ratios outlined in the master plan approval. These details are outlined in the master plan agreement.

The following are examples of potential areas of the residential and commercial buildings. It is most likely the actual area of the buildings will be different from what is represented but the 80% and 20% ratios must be met and will be monitored through the building permit approval process.

Building	Building Description	Overall	Footprint	Usable	Usable 1st Floor	Retail	Office	Storage
1	Restaurant	6,412	3,206.00	4,132	1,877	0		3,206
2	Retail	10,600	5,300.00	7,422	3,711	5,300		5,300
3	Restaurant	4,786	2,393.00	3,572	1,786	0		2,393
4	Restaurant	2,800	1,400.00	1,784	834	0		1,400
5	Office	4,786	2,393.00	3,572	1,786	0	4,786	0
6	Office	2,800	1,400.00	1,784	834	0	2,800	0
7A	Gym	27,788	13,894	20,016				
	Gym							
7B	Restaurant	6,412	3,206	4,132				3,206
	Gym							
7C	Restaurant	2,800	1,400	1,784				1,400
8	Pool & Patio	14,000	14,000	14,000				
Total		83,184	48,592	62,198		5,300	7,586	16,905

Ratio of Commercial to Residential				
	<b>Residential Space</b>			
		Units	143	
		Unit Size	2,350	
		Total Residential sf	336,050	
	<b>Ratio Commercial/Residential</b>		(sf)	(%)
		Total Residential Space	336,050	80.2%
		Total Commercial Space	83,184	19.8%
		Total Built Space	419,234	

*Sensitive Lands* – Sensitive land area located on the property will be left undisturbed as required by the land use ordinance. These sensitive lands include the sloped areas at the base of Memorial Hill. No building pads are located on any slopes 25% or greater.

*Open Space* – The project is required to provide 8.32 acres of total open space. Phases 1-3 will provide 5.45 acres of open space. Phases 4 and 5 will provide an additional 3.36 acres of open space, for a total on 8.81 acres at build out.

*Setbacks* – The proposed development is required to meet the setback requirements for the mixed-use code and the conditions placed on the project through the rezoning approval. All commercial buildings are required to have an 8' setback and all residential structures are required to have a 10' setback. Residential setbacks along the western boundary are a minimum of 36' and residential setbacks along the eastern boundary are a minimum of 100'.

*Height of structures* – Structures cannot exceed 35' in height, measured from natural grade to the roof. Architectural elements may exceed the 35' limit as per code.

*Transient Rental Overlay District* – The transient rental overlay district (TROD) covers the roughly 600' area of the project north of Mains Street. Per the conditional approval of the rezone of some of the project area, only units that fall completely in the rezone area may be rented as short-term nightly rentals, and only if the units comply with all requirements (see exhibit D).

*One Property Owners Association* – All residential phases of the master plan are required to be part of one property owner's association. The commercial areas will all be required to be part of one property owner's association. This is required to maintain all private areas including, private roads, alleys, roads, and common areas. The requirement to be part of one POA is to reduce conflict in the future. Sometimes in phased developments, phases are sold to different developers and the new developers of a phase do not want to be part of the POA. This has created issues in other phased developments in Midway and for that reason the code requires that all phases be part of one POA.

*Geotechnical Report* – The City has received two geotechnical reports for the property. One from 2017 and one from 2021. The geotechnical report from 2017 found water in some of the test pits on the west side of the property. The report from 2021 did not find water in any of the test pits, including pits dug near the test pits with water from 2017. The master plan agreement requires piezometers are installed in multiple areas of the development to monitor water levels over the next few years, especially in the areas of phases 2-5. The piezometers will provide information regarding the water table over multiple years. This will give information regarding development of future phases.

*Commercial Area Landscaping* – The proposed development has a significant amount of frontage along Main Street. The view of Midway along Main Street is of high importance for the City for a couple of reasons. First, it is important to the residents of Midway that Main Street is aesthetically beautiful. Most residents of Midway use Main Street at least once a day and maintaining a beautiful corridor through town is of high priority. Second, the Midway economy is dependent on tourism and a clean

and orderly Main Street is vital for creating the atmosphere needed to create a beautiful community that will attract tourists. For these reasons it is a requirement of the master plan that the commercial areas of the development be either kept in agricultural production until constructed or, once those areas are developed, the commercial pads and surrounding area are landscaped until the structures are built. The landscaping may be minimal with grass and an irrigation system, but they will need to be kept orderly and maintained. There are many examples of commercial developments where the commercial pads are not maintained and become weed infested and an eyesore for the community. It is important that this situation is avoided along Midway's main corridor.

*Residential Area Landscaping* – The applicant has submitted a preliminary landscaping plan for the residential areas. Conceptually, the landscaping plan is acceptable, but more detail is needed for final approval of each phase. Staff is requesting that more detailed landscaping plans are submitted with the application for final approval. Firstly, a more detailed plan will make it clear to the future residents, developer, and the City on what landscaping is planned around each unit. Secondly, as part of the conditional use permit, landscaping will be used to help mitigate nuisances. Berms, landscaping, and walls will help mitigate light and noise from trespassing on to neighboring properties. The developer has committed to a masonry wall around the Wilde property which borders the southwest corner of the property. A wall should be considered next to the southwest parking lot north of the Wilde property to mitigate light trespass from vehicles. Also, a wall is planned next to the east of the parking lot on the east boundary of the property. A berm with landscaping will be installed along the western boundary of phase 2. A berm and landscaping are also required in the northeast corner of the property to mitigate light trespass on the neighboring property. To the east of the open space area of phase 1 is a line of garages that staff feels should be shielded from view from Main Street and the center open area. Staff has suggested a berm and trees would help make the area more attractive. The developer has provided an updated plan that shows 23 trees in this area to help shield the view of the garages.

*Temporary Connector Access* – In phase two is a temporary connector access to provide emergency access and traffic circulation between phases 1 and 2. The access will be made of pavers that have been approved by the Fire District and by the City Engineer. Once phase 3 is built, the temporary access will be removed, unless the city and the developer both agree that the access is not only aesthetically pleasing but also a benefit to the community. If phase 3 is not approved within in a year of the temporary connector installation, then the temporary connector will be paved to a City standard and will not be removed until phase 3 is complete.

*Mailbox Location* – The mailbox location will be in the commercial building located east of unit 141.

*Lighting Plan* – Staff has asked for a lighting plan for street lighting, dwelling lights, and parking areas lighting. The purpose of the plan is to assure the proposed lights

will comply with current code regarding light cut-off and to also assure that no light trespass will occur onto neighboring properties. The applicant has submitted a lighting plan for parking areas. It appears the parking lot lights do not have a full cut-off so they will be visible from surrounding properties. The applicant will need to modify the plan to assure that no light trespass occurs from the development to neighboring parcels.

*Private Street Profile* – Staff, the developer, and representatives from utility companies are working together to create a street profile for this mixed-use community that will be functional, aesthetically pleasing, and safe for the community. Several ideas have been discussed to help accomplish this which include narrowing the road, creating bulb-outs with trees, creating parallel parking areas between the bulb-outs, installing landscaping planter islands at the three entry points to The Village, and creating safer and pedestrian crossings throughout the neighborhood. Some of the proposed ideas have been included in the site plan and include the narrowing of the road, bulb-outs, defined parallel parking, landscaping planter islands at the three entry points to The Village (the planter island from the access from River Road is not present on the plans but has been agreed to by the applicant).

*Automotive Shop* – A requirement of the conditional approval to rezone part of the property is that the automotive shop and storage unit property must be purchased and left as open space in The Village development. As of the writing of this report, the transaction has not been completed. Per the applicant, the property is under contract and should close by the end of February.

*Traffic signal at Main Street and River Road* – UDOT has studied the traffic related issues for the intersection of Main Street and River Road. The study concluded that a traffic signal is warranted for the intersection, but UDOT does not have a timeline established for when the signal will be installed. The Village will create more traffic to the area and the developer will need to contribute to the installation of the traffic signal and other required related infrastructure, expansion of pavement, etc. Because UDOT's timeline for installation of the traffic signal is unknown, it is a requirement of the master plan agreement that traffic signal improvements are required as part of phase 3. Before the plat for phase 3 is recorded, the traffic signal, and related improvements, will need to be installed.

#### **VISUAL AND ARCHITECTURAL COMMITTEE RECOMMENDATION:**

The Visual and Architectural Committee (VAC) has reviewed the conceptual architectural renderings for this project and has recommended general concept approval. All commercial and mixed-use residential buildings will be reviewed in detail by the VAC during the preliminary approval for each phase and before building permits are issued for any structures.

## **WATER BOARD RECOMMENDATION:**

The Water Advisory Board as approved an estimated 166.6 acre-feet will need to be held by the City in escrow before the master plan agreement can be recorded.

## **POSSIBLE FINDINGS:**

- The proposal will benefit the City financially by creating a greater tax base.
- The proposal may help the City better comply with State requirements regarding the ability to collect resort tax depending on the number of units that are rented on a short-term basis.
- The developer appears to meet the commercial parking requirements but is 17 stalls short of meeting the residential stall requirements for phase 1-3. They will need to meet this requirement at final.
- The proposal does appear to comply with the requirement of 20% commercial square feet required by the mixed-use code

## **ALTERNATIVE ACTIONS:**

1. Approval (conditional). This action can be taken if the City Council finds the proposal complies with the requirements of the code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s) if needed
2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
3. Denial. This action can be taken if the City Council finds that the request does not comply with the requirements of the code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

1. The lighting plan must comply with Midway requirements and not allow light to trespass to neighboring properties.
2. A wall should be planned next to the southwest parking lot north of the Wilde property to mitigate light trespass from vehicles.
3. The infrastructure plan for Midway Irrigation Company ditch that crosses the property must be approved before final approval is granted.
4. The River Road entrance planter must be included on plans for final approval.



February 8, 2022

Midway City  
Attn: Michael Henke  
75 North 100 West  
Midway, Utah 84049

**Subject: The Village Development – Preliminary Review**

Dear Michael:

Horrocks Engineers recently reviewed The Village development for preliminary review. The proposed development borders Memorial Hill to the North and Main Street to the South. The development is a mixed-use development and PUD. The development consists of 36,3310 SF of commercial building space and 143 residential units. The following items should be addressed.

**General Comments**

- There are 5 phases within the development, each phase within the development appears to be a stand-alone phase.
- Snow removal and snow storage should be addressed with this approval.
- Mailbox locations should be identified on the plans.
- Garbage location and pickup should be addressed and shown on the plans.

**Water**

- The proposed development will be served from the Gerber / Mahogany pressure zone.
- The proposed development will connect to the existing 12" culinary water line in Main Street and as part of phase 3 will connect to the 10" water line that was installed in the River Road project for this development.
- Fire flow appears to exceed 2000 gals/min.

**Roads**

- The proposed roads and sidewalks within the development will be private with public access and a typical cross section width of 56' with sidewalk on at least one side of the road.
- There are private alley ways within the development.
- Main Street access and road cross sections will need to go through the UDOT approval process.
- There will be an outlet to River Road and a dedicated left hand turn lane on River Road at this location that shall be installed as part of the master plan agreement.
- The timing of the traffic signal at the intersection of Main Street and River Road shall be per the master plan agreement.

**Pressure Irrigation**

- The subdivision will be serviced by Midway Irrigation Company.
- All removal, additions, or revisions to the pressure irrigation system must be approved by Midway Irrigation Company.
- There is a ditch towards the north end of the property that runs west to east that is proposed to be placed in a network of pipes and manholes to get it through to the east side of the development. All proposed work on this ditch must be approved by Midway Irrigation Company.

Trails

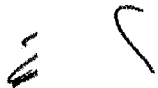
- There are sidewalks throughout the development. There is an 8' private trail with public access that goes through the middle of the open space.

Storm Drain

- The storm drain system will be private and will be collected within the proposed curb and gutter and discharged to a series of catch basins, sumps, and detention basins with the development.
- The development will need to catch the storm water on Main Street across their frontage and pipe it to the ditch on the south side of Main Street.
- The developer should explain how possible maintenance will be done to the retention basins contained within the parking lots.

Please feel free to call our office with any questions.

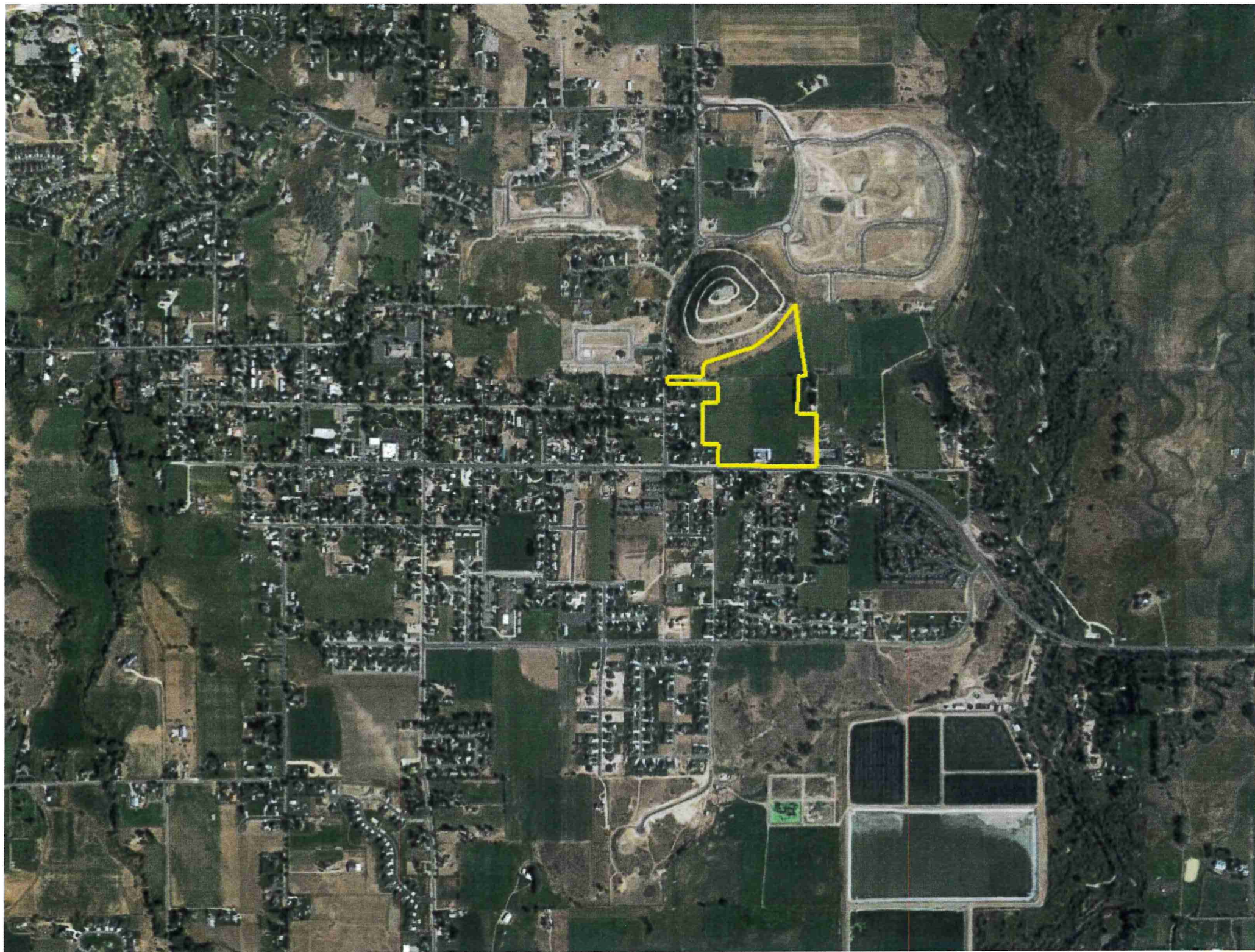
Sincerely,  
HORROCKS ENGINEERS



Wesley Johnson, P.E.  
Midway City Engineer

cc: Berg Engineering









# **Exhibits**

**Exhibit A – Proposed Preliminary Plans**

**Exhibit B – Water Board Recommendation**

**Exhibit C – Architectural Renderings**

**Exhibit D – Residential Units in the Transient Rental Overlay Zone**

**Exhibit E – Lighting Plan**

**Exhibit F – Midway Irrigation Company Will Serve Letter**

**Exhibit G – Wasatch County Solid Waste District Will Serve Letter**

# **Exhibit A**



# THE VILLAGE

## A MIXED USE DEVELOPMENT

### PRELIMINARY PLAN APPLICATION



MIDWAY CITY  
VICINITY MAP

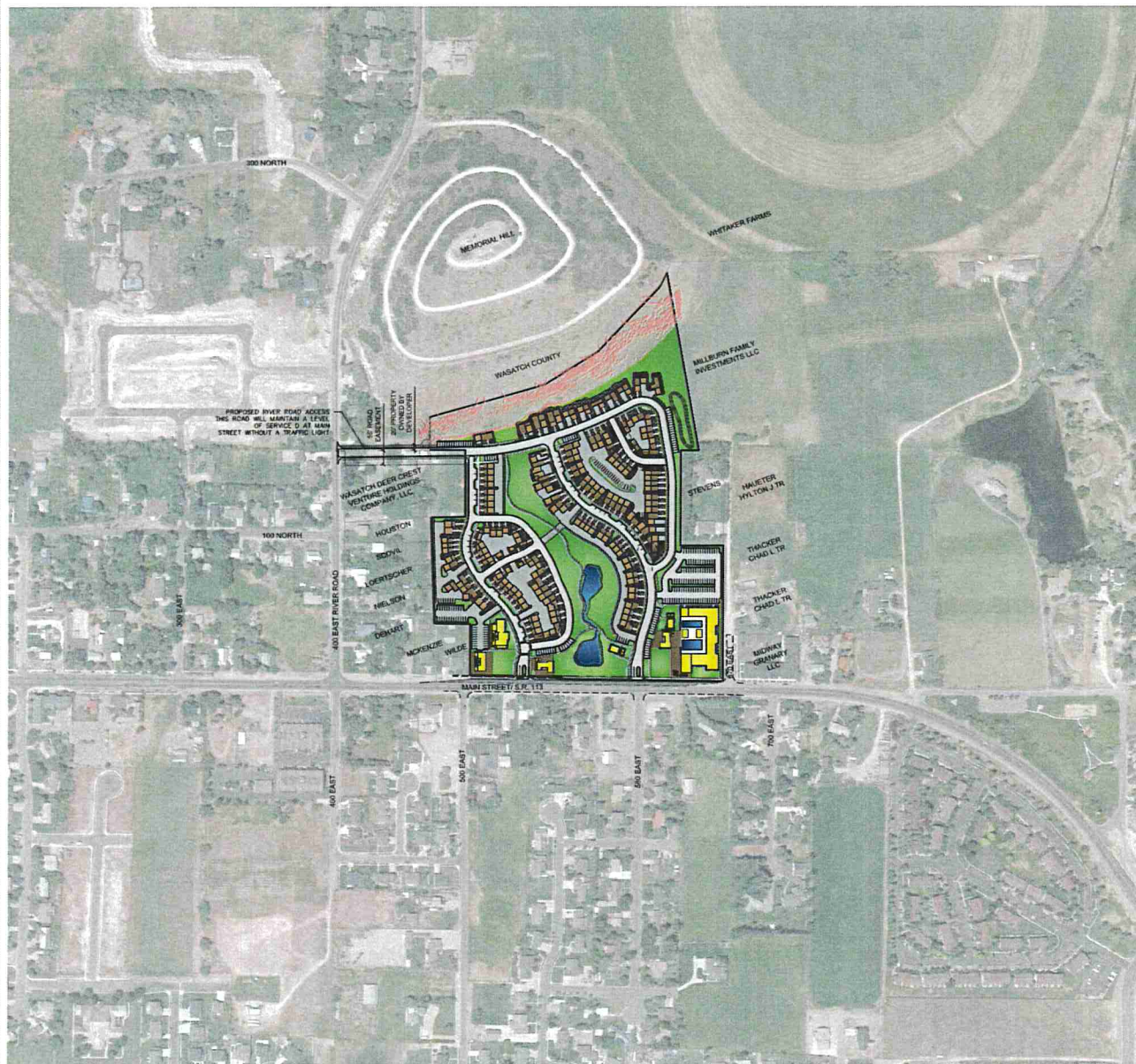
#### SHEET INDEX

1. VICINITY MAP
2. SENSITIVE LANDS MAP
3. PRELIMINARY SITE PLAN
4. PRELIMINARY OVERALL LANDSCAPE PLAN
5. PRELIMINARY TYPICAL BUILDING LANDSCAPE PLAN
6. PHASING PLAN
7. OPEN SPACE PLAN
8. PRELIMINARY ROADS & TRAILS MASTER PLAN
9. PRELIMINARY SEWER PLAN
10. PRELIMINARY WATER PLAN
11. PRELIMINARY PRESSURIZED IRRIGATION PLAN
12. PRELIMINARY STORM DRAIN PLAN
13. PRELIMINARY PIPED DITCH PLAN

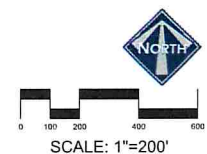
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UNLESS SIGNED AND SEALED.

PAUL D. BERG P.E.  
SERIAL NO. 285089  
DATE: 16 FEB 2022

CLUSTER THE VILLAGE		
COVER SHEET		
 <p>BERG ENGINEERING 300 E. Main St., Suite 204 Midway, UT 84049 ph 435.657.9749</p>		
DESIGN BY: CND DRAWN BY: DEJ	DATE: 16 FEB 2022 REV:	SHEET 0



- LEGEND
- NON-BUILDABLE AREA (25%+ SLOPES)
  - COMMERCIAL BUILDINGS
  - RESIDENTIAL UNIT
  - RESIDENTIAL GARAGES
  - LANDSCAPE AREA - GRASS
  - LANDSCAPE AREA - NATIVE GRASS
  - LANDSCAPE AREA - WOOD MULCH



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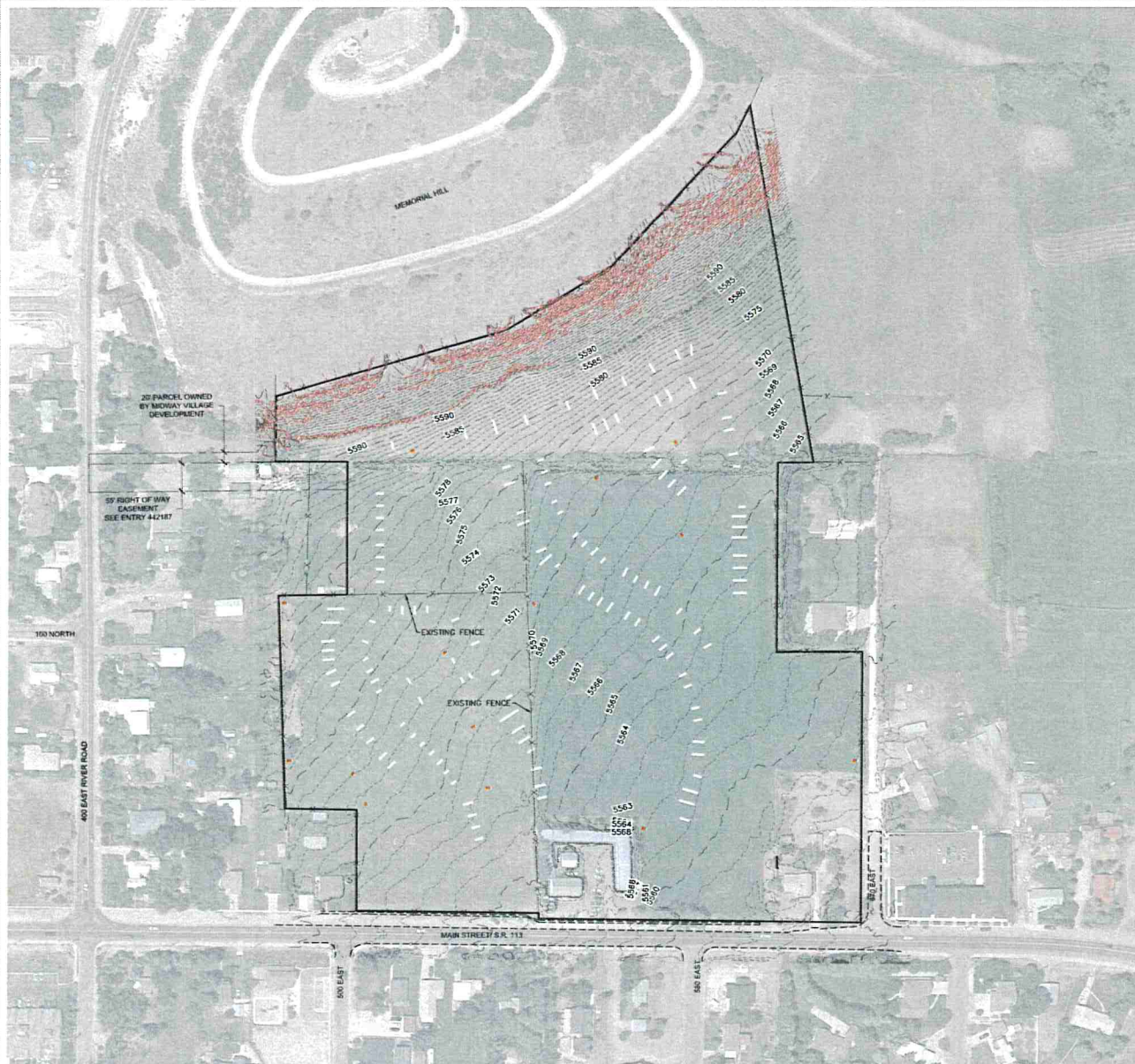
PAID, D. WBS, \_\_\_\_\_ P.E.  
 SERIAL NO. 285585  
 DATE: 16 FEB 2022

LUSTER  
 THE VILLAGE  
 VICINITY MAP



DESIGN BY: PDM	DATE: 16 FEB 2022	SHEET
DRAWN BY: DEJ	REV:	1





#### SENSITIVE LANDS NOTES

**LANDSLIDES**  
THE LANDSLIDE HAZARD POTENTIAL ON THE PROPERTY IS LOW PER THE MIDWAY CITY LANDSLIDE AND PROBLEM SOIL MAP CONTAINED IN THE CITY GENERAL PLAN.

**SHALLOW GROUND WATER**  
THE PROPERTY DOES NOT CONTAIN SHALLOW GROUND WATER PER MAP 26 OF THE WASATCH COUNTY GENERAL PLAN. PLEASE SEE THE GEOTECHNICAL REPORT FOR MORE INFORMATION.

**SPRINGS, STREAMS OR SEEPS**  
NO SPRINGS, STREAMS OR SEEPS HAVE BEEN FOUND ON THE PROPERTY.

**ALLUVIAL FANS**  
NO ALLUVIAL FANS ARE FOUND ON THE PROPERTY PER MAP 26 OF THE WASATCH COUNTY GENERAL PLAN.

**FLOOD HAZARDS**  
THERE ARE NO 100 YEAR FEMA FLOOD HAZARDS ON THIS PROPERTY PER FEMA MAPS.

**WETLANDS**  
NO WETLANDS ARE ON THE PROPERTY PER THE NATIONAL WETLANDS INVENTORY PUBLISHED BY THE U.S. FISH AND WILDLIFE SERVICE.

**FAULT LINES**  
NO FAULT LINES CROSS THE PROPERTY PER MAP 26- FLOOD HAZARDS, EARTHQUAKE HAZARDS AND PROBLEM SOILS OF THE WASATCH COUNTY GENERAL PLAN.

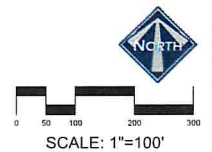
**VEGETATION REMOVAL**  
EXISTING HAY FIELD WILL BE DISTURBED FOR CONSTRUCTION OF HOMES, COMMERCIAL BUILDINGS, ROADS AND PARKING. TOPSOIL WILL BE STORED FOR USE ON SITE. EXCESS SOIL MATERIALS TO BE DISPOSED OF. TREES ON MEMORIAL HILL WILL BE PRESERVED. TREES ALONG THE NORTH DITCH BANK WILL BE REMOVED AND DISPOSED OF.

**WATER QUALITY**  
STORM WATER RUNOFF WILL BE COLLECTED AND RETAINED ON SITE. STORM WATER POLLUTION PREVENTION MEASURES WILL BE INSTALLED DURING CONSTRUCTION. MEASURES INCLUDE SILT FENCING, STABILIZED CONSTRUCTION ENTRANCE AND INLET PROTECTION.

#### LEGEND

NON-BUILDABLE AREA  
(25%+ SLOPES)

EXISTING FENCE



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PAUL D. IRMS, P.E.  
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DATE: 18 FEB 2022

LUSTER THE VILLAGE	
SENSITIVE LANDS MAP	
DESIGN BY: PUN	DATE: 16 FEB 2022
DRAWN BY: DEJ	REV:
SHEET 2	









## PLANT SCHEDULE

TREES	COMMON / BOTANICAL NAME
	Autumn Blaze Maple / Acer freemanii 'Autumn Blaze'
	Canada Red Chokecherry / Prunus virginiana 'Canada Red'
	Eastern Cottonwood Shrub / Populus deltoides 'Stoutland'
	Spring Snow Crab Apple / Malus x Spring Snow
	Weeping Willow / Salix babingtonia
EVERGREEN TREES	COMMON / BOTANICAL NAME
	Colorado Spruce / Picea pungens
GROUND COVERS	COMMON / BOTANICAL NAME
	Kentucky Bluegrass / Poa pratensis
	Wild Flower Meditative Grass Mix / Wild Flower Meditative Grass Mix
MULCH	COMMON / BOTANICAL NAME
	4" Wood Mulch / 4" Wood Mulch

## LEGEND

	NON-BUILDABLE AREA (25%+ SLOPES)
	COMMERCIAL BUILDINGS
	RESIDENTIAL UNIT
	RESIDENTIAL GARAGES
	LANDSCAPE AREA - GRASS
	LANDSCAPE AREA - NATIVE GRASS
	LANDSCAPE AREA - WOOD MULCH
	LANDSCAPE DECORATIVE RAISED PLANTER

## LANDSCAPE NOTES

-- SEE SHEET 5 FOR TYPICAL LANDSCAPING AROUND HOMES  
-- THIS PLAN SHOWS A GENERAL LANDSCAPE CONCEPT FOR COMMON AREAS NOT AROUND HOMES. THIS PLAN IS A GENERAL GUIDE. FINAL LOCATION OF TREES, PLANTS AND GRASS MAY VARY.



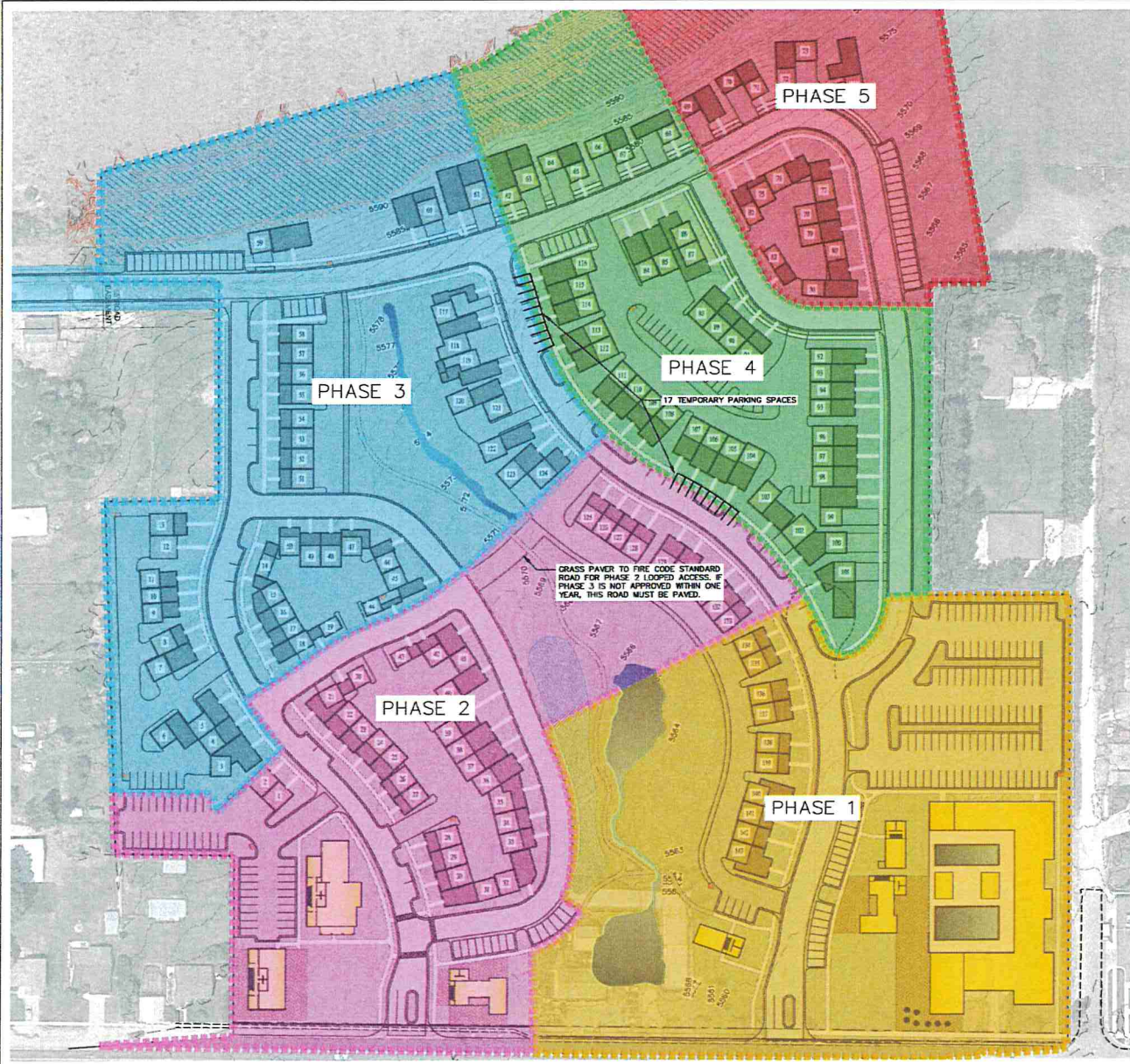
SCALE: 1"=60'

LUSTER THE VILLAGE	
PRELIMINARY LANDSCAPE PLAN	
380 E Main St, Suite 204 Midway, UT 84049 ph: (801) 723-3800	
DESIGN BY: CHB	DATE: 16 FEB 2022
DRAWN BY: CHB	SHEET 4

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UNLESS SIGNED AND SEALED  
CARL N. BERG L.A.  
SERIAL NO. 7162795  
DATE: 16 FEB 2022







**LEGEND**

	NON-BUILDABLE AREA (25%+ SLOPES)
	COMMERCIAL BUILDINGS
	RESIDENTIAL BUILDINGS
	GARAGES

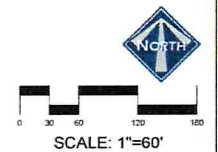
**NOTES**

1. TEMPORARY CUL-DE-SAC TO BE INSTALLED WITH PHASE 1 AS SHOWN.
2. RIVER ROAD CONNECTION TO BE COMPLETED WITH PHASE 3.
3. TRAFFIC LIGHT AT RIVER ROAD AND MAIN MUST BE INSTALLED PRIOR TO PHASE 3. SEE THE MASTER PLAN AGREEMENT FOR ADDITIONAL DETAILS.

**PHASING PLAN**

PHASE	AREA	COMMERCIAL	RESIDENTIAL	RESIDENTIAL UNITS	OPEN SPACE
1	6.55 AC	37,615 SF	10,249 SF	10	1.94 ac
2	5.70 AC	11,285 SF	33,360 SF	35	1.23 ac
3	6.64 AC	0 SF	44,449 SF	43	2.28 ac
4	4.59 AC	0 SF	45,355 SF	40	0.67 ac
5	3.99 AC	0 SF	14,864 SF	15	2.69 ac
	27.47 AC	48,900 SF	148,377 SF	143	8.81 ac

PHASE	IRRIGATED AREA	NON-IRRIGATED HILLSIDE
1	3.16 ac	0 ac
2	2.20 ac	0 ac
3	2.26 ac	1.13 ac
4	1.79 ac	0.52 ac
5	1.68 ac	1.35 ac
	11.09 ac	3.00 ac



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 PAUL D. HENDRICKS, P.E.  
 SERIAL NO. 280385  
 DATE: 12 JAN 2022

LUSTER  
THE VILLAGE  
PHASING PLAN

**BERG ENGINEERING**  
 380 E Main St, Suite 204  
 Midway, UT 84049  
 ph 435.657.9749

DESIGN BY: PDB	DATE: 12 JAN 2022	SHEET <b>6</b>
DRAWN BY: DEJ	REV:	



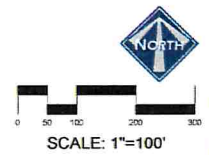


AREA	
TOTAL PROJECT AREA	27.47 ACRES
OPEN SPACE - IRRIGATED	5.32 ACRES
OPEN SPACE - NON-IRRIGATED	3.00 ACRES
OPEN SPACE - TOTAL	8.32 ACRES

OPEN SPACE NOTES:  
 -- ALL OPEN SPACE IS A MINIMUM OF 100 FEET IN WIDTH  
 -- PER MIDWAY CITY STANDARDS  
 -- 8.32 ACRES REQUIRED FOR ZONE CHANGE APPROVAL

#### LEGEND

- NON-BUILDABLE AREA  
(25%+ SLOPES)
- COMMERCIAL BUILDINGS
- RESIDENTIAL UNIT
- GARAGE
- OPEN SPACE (IRRIGATED)
- OPEN SPACE (NON IRRIGATED)



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 PAUL D. BERG P.E.  
 SERIAL NO. 200280  
 DATE: 18 FEB 2022

LUSTER  
 THE VILLAGE  
 OPEN SPACE PLAN

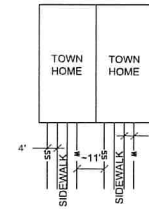
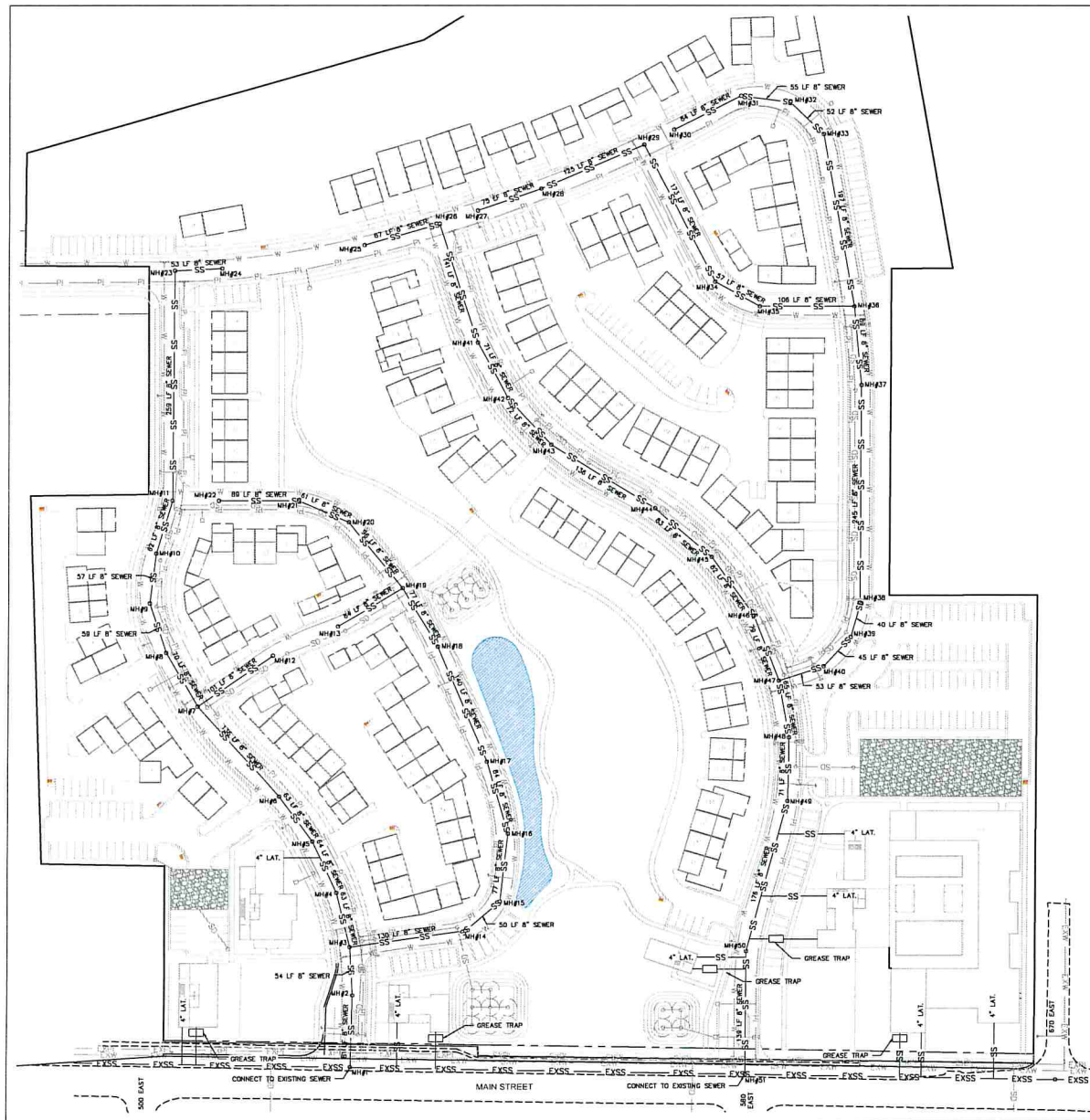


DESIGN BY: TDB DATE: 16 FEB 2022 SHEET  
 DRAWN BY: DEJ REV: 7









TYPICAL UTILITY DETAIL

LEGEND

- EXISTING SEWER
- PROPOSED SEWER
- EXISTING WATER
- PROPOSED WATER
- EXISTING PRESSURIZED IRRIGATION
- PROPOSED PRESSURIZED IRRIGATION
- PROPOSED STORM DRAIN

BLUE STAKE NOTE:

- LOCATION OF EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAKING OF UTILITIES.

SEWER NOTES:

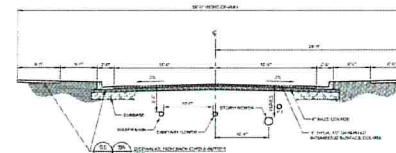
- ALL SEWER LATERALS ARE 4"
- ALL SEWER IMPROVEMENTS SHALL MEET MIDWAY SANITATION DISTRICT STANDARDS AND SPECIFICATIONS

GREASE TRAPS:

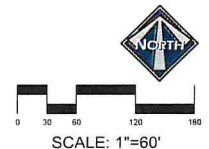
- SIZE OF GREASE TRAPS TO BE DETERMINED WITH BUILDING PLANS.

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PAUL D. BERG, P.E.  
 SERIAL NO. 295595  
 DATE: 18 FEB 2022



SECTION 2: STREET CLOSURE SECTION AT 5TH EAST & 6TH EAST  
 (CONTINUED ON NEXT SHEET)



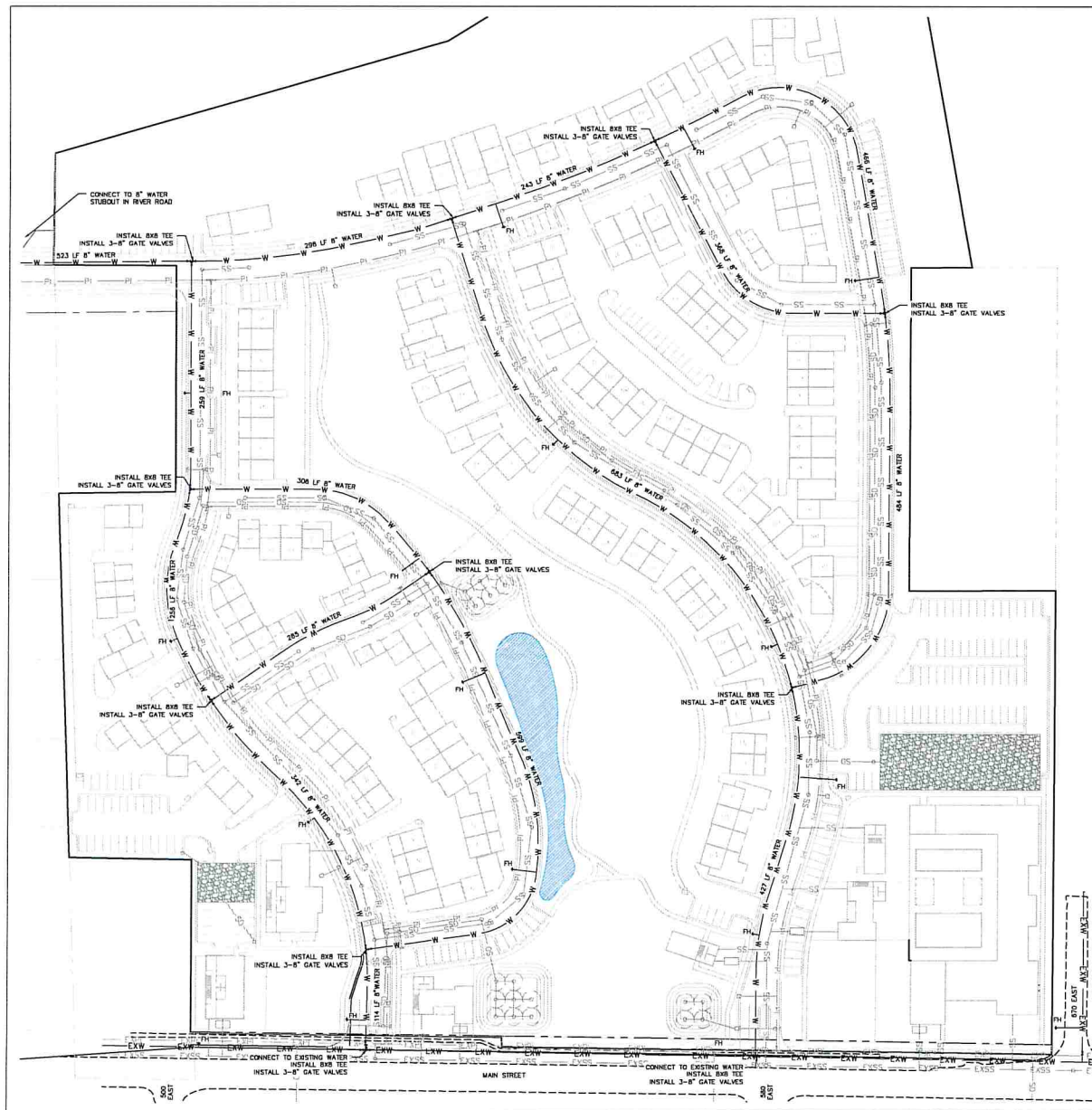
SCALE: 1"=60'

LUSTER  
 THE VILLAGE  
 PRELIMINARY SEWER PLAN



DESIGN BY: TDB DATE: 16 FEB 2022 SHEET: 9  
 DRAWN BY: DEJ REV: 1

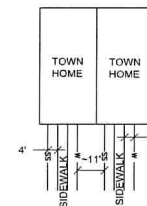
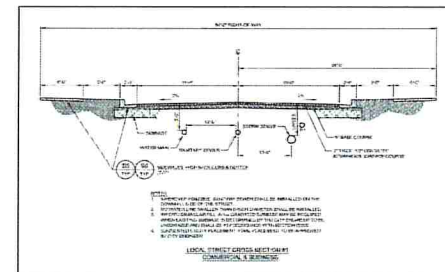




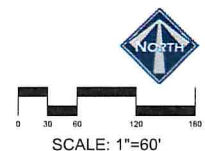
- LEGEND**
- EXISTING SEWER
  - PROPOSED SEWER
  - EXISTING WATER
  - PROPOSED WATER
  - EXISTING PRESSURIZED IRRIGATION
  - PROPOSED PRESSURIZED IRRIGATION
  - PROPOSED STORM DRAIN

**BLUE STAKE NOTE:**  
 • LOCATION OF EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAKING OF UTILITIES.

**WATER NOTES:**  
 • ALL WATER IMPROVEMENTS SHALL MEET MIDWAY CITY STANDARDS AND SPECIFICATIONS AS ADOPTED IN JULY 2020 EDITION.  
 • ALL WATER LINES ARE 8" UNLESS OTHERWISE NOTED.



TYPICAL UTILITY DETAIL

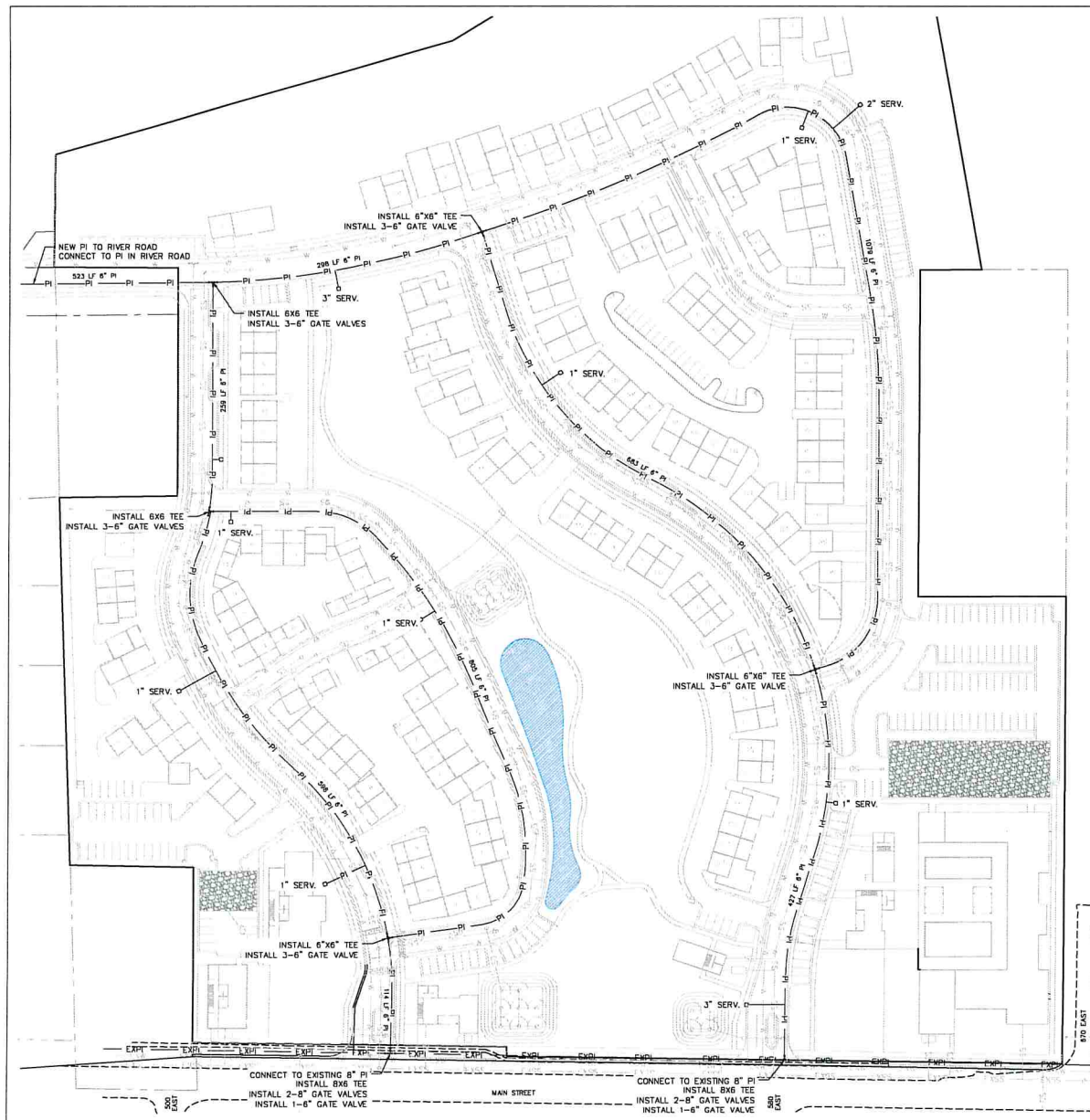


LUSTER  
THE VILLAGE  
**PRELIMINARY WATER PLAN**



DESIGN BY: FOW DATE: 16 FEB 2022 SHEET  
 DRAWN BY: DEJ REV: 10

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 SERIAL NO. 205595  
 DATE: 16 FEB 2022



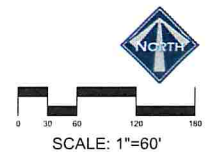
# LEGEND

- EXISTING SEWER
- PROPOSED SEWER
- EXISTING WATER
- PROPOSED WATER
- EXISTING PRESSURIZED IRRIGATION
- PROPOSED PRESSURIZED IRRIGATION
- PROPOSED STORM DRAIN

## PRESSURIZED IRRIGATION NOTES:

- ALL PRESSURIZED IRRIGATION IMPROVEMENTS SHALL MEET MOWAY IRRIGATION COMPANY STANDARDS AND SPECIFICATIONS
- ALL PRESSURIZED IRRIGATION MAIN SHALL BE AWWA C300 OR 18 PURPLE PIPE

EXISTING UTILITIES SHOWN ON PLANS ARE APPROXIMATE LOCATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR BLUE STAKING OF ALL ONSITE UTILITIES. CONTRACTOR SHALL NOTIFY ENGINEER OF DIFFERENCES BETWEEN BLUE STAKED LOCATIONS AND THOSE SHOWN ON THIS PLAN.



LUSTER  
 THE VILLAGE  
 PRELIMINARY PRESSURIZED  
 IRRIGATION PLAN

**BERG ENGINEERING**  
 200 E Main St. Suite 204  
 Midway, UT 84049  
 PH 435.657.9949

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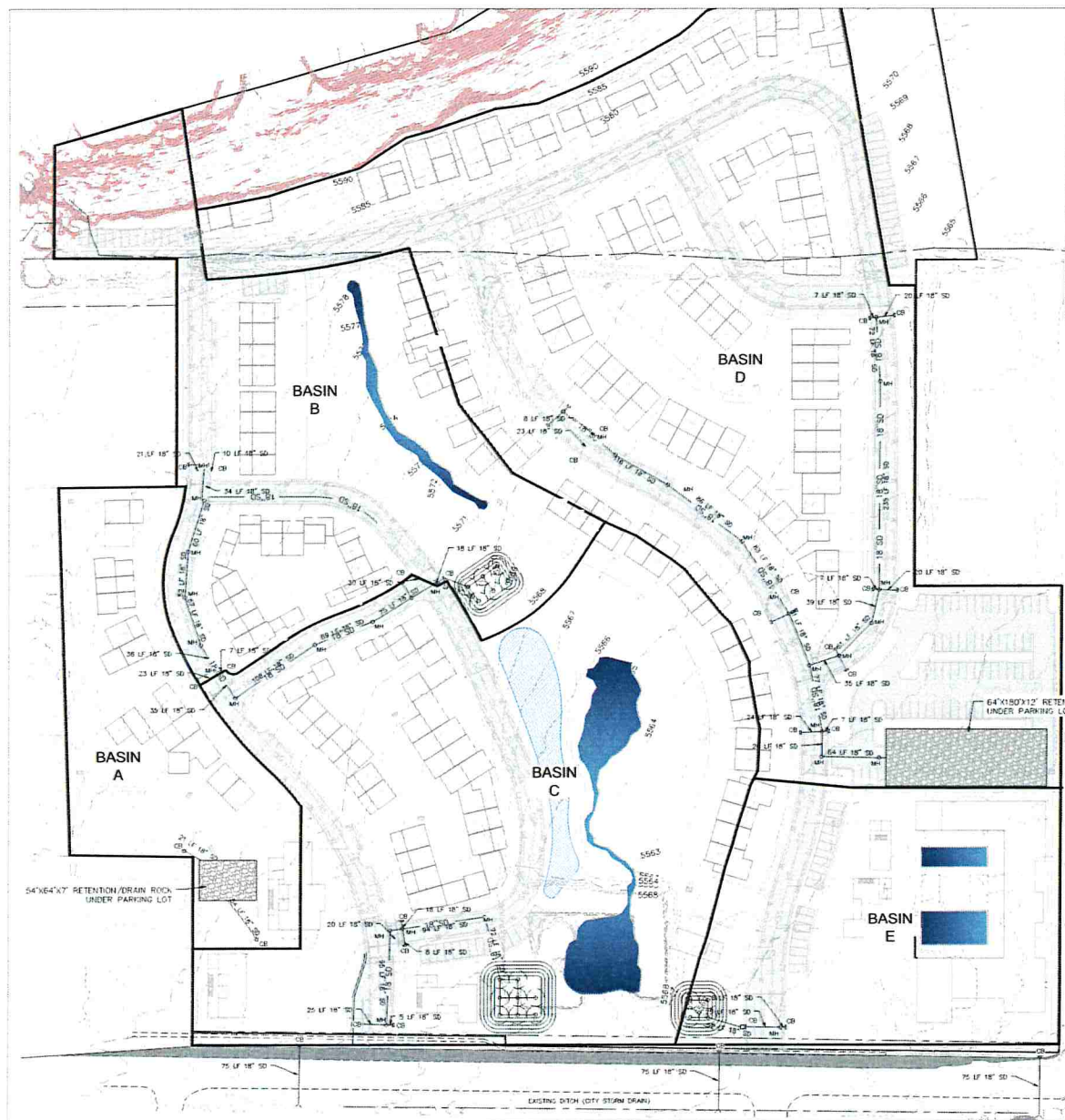
PAUL D. BERG P.E.  
 SERIAL NO. 295985  
 DATE: 18 FEB 2022

DESIGN BY: PDB  
 DRAWN BY: DEJ

DATE: 16 FEB 2022  
 REV:

SHEET  
 11





Test pits in the gutter report generally show gutters under 1" of liquid.  
Assume penetration of 2.0 inches per foot for gutters.  
Damage area to the coefficient is 0.15 acres.  
Damage area under the parking is 0.15 acres.

Table 1: Runoff Coefficient for Basin A (Paving Lot)				
Change	Total	Roof, A/R	Roof, A/R	Roof, A/R
Area	Area	Area	Area	Area
1.00	1.00	1.00	1.00	1.00

Table 2: 100 Year Storm Peak Runoff and Volume from Basin A				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 3: 100 Year Storm Peak Runoff and Volume from Basin B				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 4: Retention Pond in Basin B				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 5: Retention Pond in Basin C				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 6: Retention Pond in Basin D				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 7: Retention Pond in Basin E				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 8: Runoff Coefficient for Basin B (Paving Lot)				
Change	Total	Roof, A/R	Roof, A/R	Roof, A/R
Area	Area	Area	Area	Area
1.00	1.00	1.00	1.00	1.00

Table 9: 100 Year Storm Peak Runoff and Volume from Basin C				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 10: Retention Pond in Basin C				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 11: Retention Pond in Basin D				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 12: Retention Pond in Basin E				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 13: Runoff Coefficient for Basin E (Paving Lot)				
Change	Total	Roof, A/R	Roof, A/R	Roof, A/R
Area	Area	Area	Area	Area
1.00	1.00	1.00	1.00	1.00

Table 14: 100 Year Storm Peak Runoff and Volume from Basin D				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 15: Retention Pond in Basin D				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 16: Retention Pond in Basin E				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 17: Runoff Coefficient for Basin E (Paving Lot)				
Change	Total	Roof, A/R	Roof, A/R	Roof, A/R
Area	Area	Area	Area	Area
1.00	1.00	1.00	1.00	1.00

Table 18: 100 Year Storm Peak Runoff and Volume from Basin E				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 19: Retention Pond in Basin E				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

Table 20: Runoff Coefficient for Basin E (Paving Lot)				
Change	Total	Roof, A/R	Roof, A/R	Roof, A/R
Area	Area	Area	Area	Area
1.00	1.00	1.00	1.00	1.00

Table 21: 100 Year Storm Peak Runoff and Volume from Basin E				
Time	Runoff	Area	Runoff	Volume
Period	Intensity	Area	Rate	Volume
10	1.00	1.00	1.00	1.00

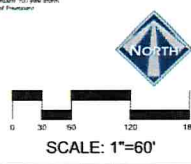
**BLUE STAKE NOTE:**  
• LOCATION OF EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAKING OF UTILITIES.

**STORM DRAIN NOTES:**  
• ALL STORM DRAIN CONSTRUCTION TO MEET MINOR CITY STANDARDS AS ADOPTED IN JULY 2020 EDITION.

- LEGEND**
- EXISTING SEWER
  - PROPOSED SEWER
  - EXISTING WATER
  - PROPOSED WATER
  - EXISTING PRESSURIZED IRRIGATION
  - PROPOSED PRESSURIZED IRRIGATION
  - PROPOSED STORM DRAIN

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PAK, D. BERG, P.E.  
SERIAL NO. 25555  
DATE: 10/10/2022



CLUSTER THE VILLAGE  
**STORM DRAIN PLAN**  
**BERG ENGINEERING**  
380 E Main St. Suite 204  
Midway, UT 84049  
ph 435.657.9749

DESIGN BY: PDB  
DRAWN BY: DBS  
DATE: 10/10/2022  
REV: 12



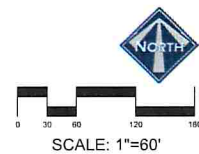
**BLUE STAKE NOTE:**  
 • LOCATION OF EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAKING OF UTILITIES.

**PIPED DITCH NOTES:**  
 • ALL PIPED DITCH CONSTRUCTION TO MEET MIDWAY CITY STANDARDS AS ADOPTED IN JULY 2020 EDITION.  
 • ALL JUNCTION BOXES SHALL BE 3'X3'.  
 • ALL BOXES IN ROADWAYS OR PARKING LOTS WILL HAVE MANHOLES.  
 • ALL BOXES IN LANDSCAPED AREAS WILL HAVE A GRATE.

#### LEGEND

- EXISTING SEWER
- PROPOSED SEWER
- EXISTING WATER
- PROPOSED WATER
- EXISTING PRESSURIZED IRRIGATION
- PROPOSED PRESSURIZED IRRIGATION
- PROPOSED STORM DRAIN
- PROPOSED 24" RCP PIPED DITCH
- 3'X3' JUNCTION BOX

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 PAUL D. BERG, P.E.  
 SERIAL NO. 235595  
 DATE: 18 FEB 2022



#### THE VILLAGE PRELIMINARY PIPED DITCH PLAN



DESIGN BY: POB	DATE: 16 FEB 2022	SHEET
DRAWN BY: DBJ	REV:	13

# **Exhibit B**



## Exhibit B, Water Board Recommendation

Water Requirements																								
	Commercial														Residential						Irrigation		Project	
	Total Buildings (sf)	Office (employees)	Water Use per State Code (gpd)	Midway Adjustme nt Factor	Required Water Righs for Office (acre-feet)	Retail (toilet room)	Water Use per State Code (gpd)	Midway Adjustme nt Factor	Water Rights Required for Retail (acre-feet)	Restaura nts (seats)	Water Use per State Code (gpd)	Midway Adjustme nt Factor	Require d Water Rights for Restaur ants (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)	Residenti al Homes (home)	Residenti al 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	11,605								299	10	1.77	5.93											5.93
	Office	7,586	76	15	1.77	2.26																		2.26
	Retail	5,300				4	500	1.77	3.97															3.97
	Gym													97	25.00	1.77	4.81							
	Pool	41,788												99	10.00	1.77	1.96							1.96
	Residential	336,050																143	0.8	114.4				114.4
	Irrigation	483,080																			11.09	3	33.27	33.27
	Project Total				2.26				3.97				5.93				6.77			114.4			33.27	166.59

# **Exhibit C**







# Typical Building Rendering: Commercial/Residential



## Typical Building Rendering: Commercial/Residential





## Typical Building Rendering: Residential



# **Exhibit D**



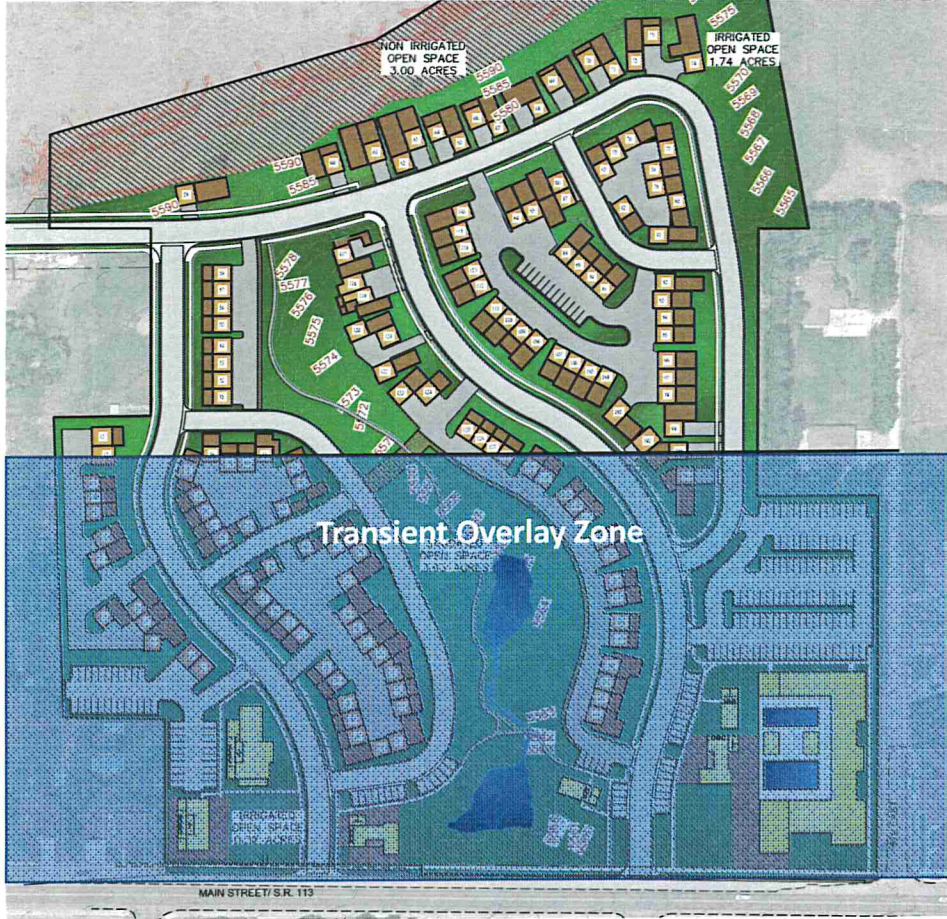
IRRIGATED OPEN SPACE 3.63 ACRES

IRRIGATED OPEN SPACE 0.32 ACRES

670 EAST

MAIN STREET/ S.R. 113

## Transient Overlay Zone



# Exhibit E







# **Exhibit F**

**Midway Irrigation Company Will Serve Letter.  
February 15, 2022**

**Project Name:** The Village  
**Address:** East Main, Midway, Utah.

**Name of Developer:** Dan Lister

**Parcel Size:** 27.47 Acres

**Present Land Use:**

**Amount of Irrigated Land:** 27.47 Acres

**Amount of Non-Irrigated Land:** 3.0 Acre

**Scope of the proposed project:**

**Number of ERUs:** 190.69

**Amount of Irrigated Land:** 11.09 Acres

**Amount of Non-Irrigated Land:**

Home sites, Roads & Trails— 18.80 Acres

Historic Non-Irrigated- 0.0 Acres

**Water Requirement:**

**Culinary Quality Number of Acre Feet:** 166.60 Acre Feet

**Irrigation Quality Number of Acre Feet:** 33.27 Acre Feet

**Water Rights Available to the project:** 25 Shares of Midway  
Company Stock

Prove River (under contract) 32 acre feet

Prove River (pending) 30 acre feet

**Project Water Allocation:**

**Culinary Water Provider:** Midway City

**Water Rights Required:** 166.60 acre-feet

**Infrastructure Requirements:**

**Secondary Water Provider:** Midway Irrigation Company.

**Water Rights required:** 33.37 acre-feet

**Project Approval Required Conditions:**

1. Transfer 166.60 acre-feet of Water Right to Midway City for culinary water requirements.
2. Transfer 33.27 acre-feet of Midway Irrigation Water Right to Midway City for secondary irrigation water requirements.
3. Developers will be required to connect to Midway Irrigation Company Main Line under the condition that it is completed under the direction of the Company's Manager and in accordance with the company's construction guide line and policies.
4. Developers must install secondary water meters as required by the company. The installation must be in accordance with the company's construction guide line and policies.
5. The final plat will not be approved or signed until all conditions are
6. The developer is required to provide a plan outlining on the existing open irrigation ditches are going to be maintained.

Steve Farrell, President  
Midway Irrigation Company



# **Exhibit G**



Wasatch County Solid Waste Disposal Dist.  
1891 West 3000 South  
P.O. Box 69  
Heber City, Utah 84032

February 16, 2022

Paul Berg  
[paul@bergeng.net](mailto:paul@bergeng.net)

Re: Refuse collection service for Parcels 14-1502, 15-3440, 21-2599,  
21-2788, 06-6279, 06-6212, and 06-6261

Dear Paul Berg:

Wasatch County Solid Waste Disposal District currently collects refuse in the area of the above referenced parcels in Midway, Utah. Your request for refuse collection service to the proposed Subdivision located approximately 565 E Main St, also 160 N River Rd Midway UT, will be using Commercial Dumpsters located in various places around the subdivision. We will work with Midway City for the proper placement for the dumpsters. They will need to be located inside an approved enclosure. The sub divisions HOA will be responsible for making sure the snow removal does not block the enclosure so the garbage trucks will be able to get easily in and out in inclement weather.

Since this is a private drive it needs to be maintained by either Midway City or a private Company. Please do not place the cans on the road when the roads are snow packed. Place the containers in front of your driveway.

All residents of Wasatch County are required to have collection service whether full or part time residents. A setup fee must be paid at the time a building permit is issued.

This letter should also be included in your development agreement.

Sincerely,

Kelly Christensen  
Wasatch County Solid Waste Disposal District  
(435) 657-3280

[mgiles@wasatch.utah.gov](mailto:mgiles@wasatch.utah.gov)