



PLANNING COMMISSION STAFF REPORT

DATE OF MEETING: September 9, 2025

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Sections 16.15.040, 16.15.050, 16.16.060, 16.17.030, 16.18.030, and 16.30.030

ITEM: 3

Amendment of Midway City Code Chapter 16 that will require a Heber Valley Special Service District “Will Serve” letter for master plans, standard subdivisions, planned unit developments, small-scale subdivisions, rural preservation subdivisions, and density reduction subdivisions.

BACKGROUND:

The City Council has directed staff to prepare a code text amendment that will require a developer to provide a “will-serve” letter from Heber Valley Special Service District (HVSSD) for future developments in Midway. HVSSD is the entity that manages the sewer plant located next to Provo River and just south of State Route 113 between Midway and Heber. The HVSSD sewer ponds and mechanical plant are in unincorporated Wasatch County and are run by a board. The actual sewer lines in Midway and Heber are owned by other special service districts, such as Midway Sanitation District (MSD), and are not part of HVSSD. A "will serve letter" is an official confirmation from a utility or service provider (like a water, sewer, or electric company) that they will provide service to a proposed development project, subject to certain terms and conditions. This document assures the project developer that the necessary infrastructure is available to support the development. Will-serve letters have never been required of developers from HVSSD because there have never been any issues with providing service. There has been discussion recently about whether HVSSD can handle increased sewer discharge caused by growth in HVSSD’s service area.

The Midway City Council would like to be assured that any proposed development will have the needed sewer. A required “will-serve” letter from HVSSD will give that City that assurance. The proposed amendment will require master plans, standard subdivisions, planned unit developments, small-scale subdivisions, rural preservation subdivisions, and density reduction subdivisions to obtain a “will-serve” that must be submitted with a development application. The following are the proposed amendments to the code:

Resort Zone

Chapter 16.15.040.G.9.b

Where services are to be provided by an entity other than the applicant an impact analysis shall be performed if requested by the Planning Director. Also, if deemed necessary by the Planning Director, the Developer may be required to obtain “Will Serve” letters from necessary service providers. An HVSSD “Will Serve” letter is required for master plan developments in the RZ.

16.15.050.E.4.1.a Preliminary Plan

The applicant shall verify the providers of all additional infrastructure services and any associated facilities required to support each service plan presented in the Master Plan submission. Any change from the Master Plan submittal shall be noted and appropriate document and ‘will serve’ letters shall be provided. An HVSSD “Will Serve” letter is required for any development RZ.

Planned Unit Developments and Standard Subdivision

16.16.060 Preliminary Plan

BB. An HVSSD “Will Serve” letter.

Small Subdivisions

16.17.030 Preliminary/Final Plan

Y. An HVSSD “Will Serve” letter.

Rural Preservation Subdivision

16.18.030 Preliminary/Final Plan

V. An HVSSD “Will Serve” letter.

Density Reduction Subdivision

16.30.030 Preliminary/Final Plan

U. An HVSSD “Will Serve” letter.

Code text amendments fall under the category of a legislative action. Therefore, the City Council has broad discretion regarding the proposal.

POSSIBLE FINDINGS:

- The proposed amendment will require a developer to provide a “will-serve” letter from HVSSD.

- The HVSSD “will-serve” letter will be required with the land use application.
- If a land use application does not contain an HVSSD “will-serve” letter, then the application will be deemed incomplete and will be returned to the applicant before any vesting is granted.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City’s Municipal Code.
 - a. Accept the staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
 - a. Accept the 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. Recommendation of Denial. This action can be taken if the Planning Commission finds that the proposed amendment is not an acceptable revision to the City’s Municipal Code.
 - a. Accept the staff report
 - b. List accepted findings
 - c. Reasons for denial