



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: October 7, 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: 6

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.

PLANNING COMMISSION RECOMMENDATION:

Motion by Commissioner Lineback: I make a motion to recommend code text amendments to 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, accepting the findings set forth in the Staff report.

Second: Commissioner Facer

Chairman Garland: Any discussion on the motion?

Chairman Garland: All in favor.

Ayes: Commissioners: Lineback, Osborne, Facer, and Winegar

Nays: None

Motion: Passed

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. Approval. This action can be taken if the City Council 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 City Council 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. Denial. This action can be taken if the City Council 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



Midway

ORDINANCE 2025-_____

AN ORDINANCE TO AMEND SECTIONS 16.15.040, 16.15.050, 16.16.060, 16.17.030, 16.18.030, AND 16.30.030 OF THE MIDWAY CITY LAND USE CODE TO

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, the Midway City Council desires a code text amendment to require future developers in Midway City to provide a “will-serve” letter from Heber Valley Special Service District (HVSSD) for future developments in Midway City; and

WHEREAS, HVSSD is the entity that manages the sewer plant located next to Provo River and just south of State Route 113 between Midway City and Heber City; and

WHEREAS, A "will serve letter" is an official confirmation from a utility or service provider (like HVSSD) that they will provide service to a proposed development project, subject to certain terms and conditions; and

WHEREAS, The Midway City Council would like to be assured that any proposed development will have the needed sewer, and a required “will-serve” letter from HVSSD will give the City that assurance.

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

The following Sections of Chapter 16 shall be amended as follows:

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.

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This ordinance shall take effect upon publication as required by law.

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PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2025.

	AYE	NAY
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member Craig Simons	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)