

Midway City Council  
3 November 2020  
Regular Meeting

Mountain Spa  
Rural Preservation Subdivision /  
Preliminary and Final Approval



**Midway**

**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** November 3, 2020

**NAME OF PROJECT:** Mountain Spa Rural Preservation Subdivision

**NAME OF APPLICANT:** Chuck Heath

**PROPERTY OWNER:** Mountain Spa Investors LLC

**ENGINEER:** Berg Engineering

**AGENDA ITEM:** Preliminary/Final Approval

**LOCATION OF ITEM:** 600 North 200 East

**ZONING DESIGNATION:** R-1-22

**ITEM: 9**

Chuck Heath, agent for Mountain Spa Investors LLC, is requesting preliminary/final approval of Mountain Spa Rural Preservation Subdivision. The proposal is for a 5-lot subdivision on 52.45 acres and is in the R-1-22 zone. The property is located at 800 North and 200 East.

**BACKGROUND:**

This request is for preliminary/final approval of a Rural Preservation Subdivision on 52.45 acres and will contain five lots. The proposal is on the historic Mountain Spa property and will help preserve the property by creating a low-density development that will leave large areas of open space next to River Road and Burgi Lane.

The lots vary in size from 1.01 acres to 21.53 acres. Density in the subdivision is one dwelling for every 10.49 acres. The property, including all five lots, will be deed restricted so no further subdividing of any kind will be allowed within the subdivision plat. Further, 34.6 acres will be restricted from development and limited in use with a conservation easement that will be held by Summit Land Conservancy. The density on the 52.45 acres will never be more than five dwelling units.

Currently the property is being used for agriculture. There are sensitive lands present in the development area that include wetlands, slopes greater than 25%, major geologic features and minor geologic features. These areas may not be disturbed and will be noted on the plat so no structures will be allowed in those areas.

There is a required public trail that will be placed on a 20' wide public trail easement planned along River Road. There is also a public trail planned that will connect the River Road trail and the trail planned through the center of the Mountain Spa property that runs north to south. Staff is working with the Lacy Lane HOA to obtain a public trail easement on the south boundary area of Lacy Lane. If the easement can be obtained then the developer will build the trail which will take the place of the existing Lacy Lane private trail that is located on the back property line of several of the lots in Lacy Lane. Moving the trail south will create distance from the dwellings and place it along the conservation easement of Mountain Spa lot 5. Per the open space bond agreement, if the City cannot obtain the public trail easement from Lacy Lane then the public trail easement will need to cross Mountain Spa lot 5 and the developer will need to build the trail.

#### **LAND USE SUMMARY:**

- 52.45-acre parcel
- R-1-22 zoning
- Proposal contains five lots
- Public trail along River Road and a public trail running east and west on or near lot 5
- Private driveways
- Sensitive lands
  - 25% slopes
  - Wetlands
  - Major geologic features
  - Minor geologic features

- The lots will connect to Midway City’s culinary water line, and Midway Irrigation Company’s secondary water line
- Lots 1, 2 and 5 will connect to sewer
- Lots 3 and 4 will install septic systems

**ANALYSIS:**

*Access* – Access for the lots will be from private driveways, though some of the private driveways will become a public or private road as the resort area of the property develops. Lots 1 and 2 will access from 200 East. Lots 3 and 4 will access from Burgi Lane on the provided easement. Further, lot 4 is petitioning for a direct access from Burgi Lane for the future dwelling. Since Burgi Lane is a collector road, City Council may, at its discretion, approve a direct access. Lot 5 will have an access from 200 East. Further, lot 5 is petitioning for a direct access from River Road for the dwelling. If direct access is not allowed for Lot 4 from Burgi Lane or for Lot 5 from River Road for the dwellings, access may be considered for agricultural uses on the two large agricultural parcels. No other access will be allowed from River Road or Burgi Lane. The private driveways will be maintained by the Homeowners’ Association. Codes, covenants and restrictions (CCRs) must be submitted to the City for review and must include a driveway maintenance clause.

*Driveway cross section* – Driveway easements will need to be 28’ wide to accommodate a 20’ drivable area and 4’ clear areas on both sides of the driveway to comply with the rural preservation driveway standards.

*Culinary Water Connection* – The lots will connect to the City’s water lines located under the surrounding streets once the State has approved a change application to transfer the water rights the owner’s hold to the City’s sources.

*Secondary Water Connection* – The developer will need to follow the City’s Foreign Water ordinance and work with Midway Irrigation Company (MIC) to connect to MIC’s system. Each lot will require a secondary water meter.

*Sewer Connection* – The lots 1, 2, and 5 will connect to Midway Sanitations District’s line located in 200 East and Sunflower Lane. Lots 4 and 5 will install septic tanks. The developer will need to comply with the Wasatch Health Department requirements which require a percolation test is performed on both lots before the plat is recorded to assure the ground is suitable for septic drain fields. The two lots may connect to the sewer system in the future if all requirements are met.

*River Road Trail* – The developer will dedicate a 20’ public trail easement along River Road. The City recently built a paved trail along the road in the City’s right-of-way. The trail was installed in the right-of-way temporarily and has always been



planned to be separated from River Road further once an easement could be obtained. The developer will provide the public trail easement and the City can require construction of the trail. The Parks and Trails Committee and staff are proposing that the developer dedicate the easement but not build the trail. Instead the developer will pay the amount of the cost of building the trail to the general trail fund. Once the current River Road trail deteriorates and needs replacement at some future date, the City will build the trail on the dedicated easement moving it farther from the road. This option seems reasonable under the circumstances since the trail was completed this year.

There is also a public trail planned that will connect the River Road trail and the trail planned through the center of the Mountain Spa property that runs north to south. Staff is working with the Lacy Lane HOA to obtain a public trail easement on the south boundary area of Lacy Lane. If the easement can be obtained then the developer will build the trail which will take the place of the existing Lacy Lane private trail that is located on the back property line of several of the lots in Lacy Lane. Moving the trail south will create distance from the dwellings and place it along the conservation easement of Mountain Spa lot 5. Per the open space bond agreement, if the City cannot obtain the public trail easement from Lacy Lane then the public trail easement will need to cross Mountain Spa lot 5 and the developer will need to build the trail.

*Sensitive Lands* - The property has geothermal springs and craters filled with warm water. There is a large area of pot rock around the springs and craters which are considered a major geologic feature area by Midway City and protected as part of the sensitive lands code. There are also wetland areas on the property. The sensitive lands will be noted on the plat and will be left undeveloped as per the sensitive lands code.

*Deed Restrictions* – The 52.45 acres within the plat will be deed restricted so no further subdividing of any kind will be allowed within the subdivision plat. The density of the 20.78 acres will never be more than five dwelling units. A note will also be placed on the plat indicating the restriction. Deed restrictions will also be recorded towards each lot immediately after the plat is recorded so all future landowners in the plat will know of the restrictions before any property is purchased. The deed restriction language will state the following:

1. *Any further subdividing of the lot is prohibited.*

*The deed restriction prohibiting further subdivision of the lots within the development is created for the benefit of all of the lots within the development, all of the neighboring lots to the development, and Midway City. This deed restriction cannot be altered in any way without written consent from all of the above. This deed restriction is a covenant that runs in perpetuity with the land, and it shall inure to the benefit of the owners of each lot within the development, the owners of neighboring lots*

*of the development, and Midway City, including all parties' heirs, successors or assigns.*

*All future owners take title subject to this Deed Restriction and shall be bound by it.*

**WATER BOARD RECOMMENDATION:**

The Water Board recommended that 70.3 acre feet of water is tendered to the City before the plat is recorded. A change application will need to be approved by the State Engineer's Office to complete that process before the plat is recorded. Also, the lots will be required to install secondary water meters.

**PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Whitney: I make a motion that we recommend approval of the Mountain Spa Rural Preservation Subdivision. The proposal is to create five lots on 52.45 acres. The property is located on the Mountain Spa property at 800 North and 200 East. And that we accept staff report findings and the water board recommendation. We also accept the conditions listed on the power point presentation which are, that deed restrictions that will be recorded towards all five lots must be submitted to the City for review. A note on the plat is included with language the eliminates the ability to subdivide any of the five lots. 70.3-acre feet of water is tendered to the City before the plat is recorded. And A 20' public trail easement is provided along River Road and the funds to build the trail are contributed to the City's general trail fund. The trail will be built by the City in the public trail easement at a future date.

**Seconded:** Commissioner Bouwhuis

**Chairman Nicholas:** Any discussion on the motion?

There were some clarifications added to the motion

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Bouwhuis, McKean, Whitney, Simons, Ream and Crawford

**Nays:** None

**Motion:** Passed

## POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the R-1-22 zoning district
- The proposal does meet the intent of the General Plan for the R-1-22 zoning district
- The proposal does comply with the requirements for the Rural Preservation Subdivision code
- The subdivision helps comply with the vision states in the General Plan to preserve open space and a rural atmosphere
- All five lots will be deed restricted so they can never be further subdivided
- The subdivision will help complete the master trail plan dedicating a public trail easement and contributing funds to build future trails.

## ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds that the proposal complies with the intent of the land use code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
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 the request does not comply with the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

- Deed restrictions that will be recorded towards all five lots must be submitted to the City for review.
- A note on the plat is included with language that eliminates the ability to subdivide any of the five lots.
- 70.3-acre feet of water is tendered to the City before the plat is recorded.
- A 20' public trail easement is provided along River Road and the funds to build the trail are contributed to the City's general trail fund. The trail will be built by the City in the public trail easement at a future date.
- The developer will build the east-west trail either in Lacy Lane on a public trail easement or on a public trail easement on lot 5.

October 13<sup>th</sup>, 2020

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

**Subject: Mountain Spa Rural Preservation Subdivision – Preliminary Approval**

Dear Michael:

Horrocks Engineers recently reviewed the Mountain Spa Rural Subdivision plans for Preliminary approval. The proposed subdivision is located at approximately 800 North 200 East. The proposed subdivision consists of 5 lots. The following comments should be addressed prior to City Council approval.

Water

- The proposed development will be served from the Gerber Mahogany Springs zone.
- The fire hydrant spacing shall not exceed 500'.

Roads

- Each road within the proposed development will be a private road.

Storm Drain

- The storm water will need to be collected and maintained onsite.
- Storm drain calculations should be submitted to our office with the future development of the site.

Trails

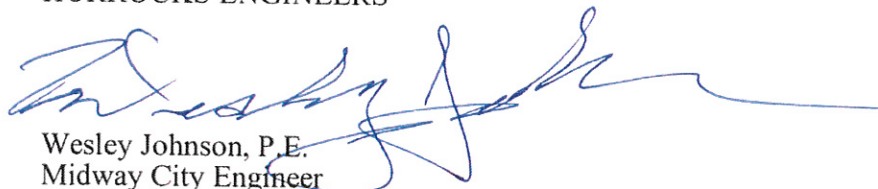
- The existing trail adjacent to River Road should stay at its current location. The easement for a River Road trail within the Mountain Spa property should be dedicated to the City and the cost of installing a new trail should be paid to the City. This money will be used to install future trails within the City.
- There should be a discussion regarding the future North-south trail through the development.

Irrigation

- The proposed development will need to bring secondary water into the development to serve the five homes.

Please feel free to call our office with any questions.

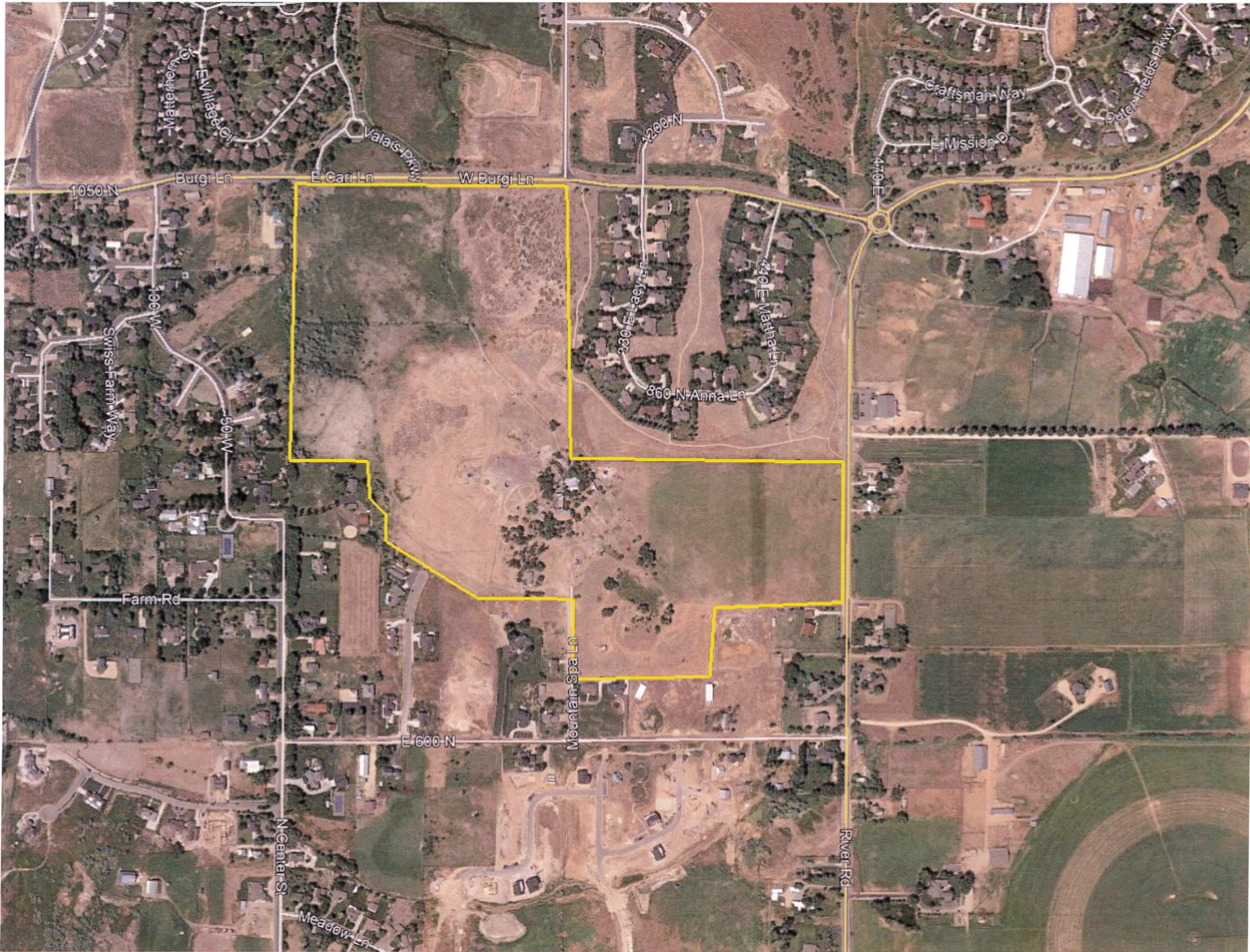
Sincerely,  
HORROCKS ENGINEERS



Wesley Johnson, P.E.  
Midway City Engineer

cc: Paul Berg Berg Engineering

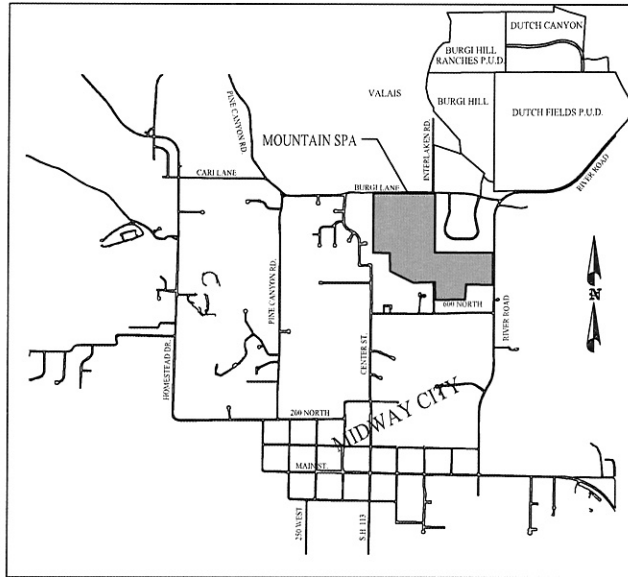






# MOUNTAIN SPA

## RURAL PRESERVATION SUBDIVISION



VICINITY MAP

### SHEET INDEX

1. RURAL PRESERVATION SUBDIVISION PLAT
2. ROAD PLAN
3. UTILITY PLAN

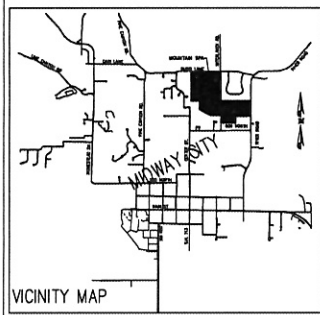
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PAUL D. BERG, P.E.  
SERIAL NO. 22282  
DATE: 9 SEP 2020

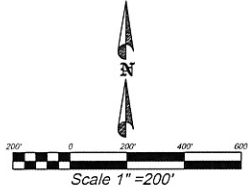
CHUCK HEATH  
MOUNTAIN SPA  
COVER SHEET



DESIGN BY: PEH DATE: 9 SEP 2020 SHEET: 0  
DRAWN BY: CNB REV:



LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	78.37	50.00	80°53'53"	71.76	S47°28'50"E
C2	228.13	150.00	98°58'44"	228.09	S49°19'49"W
C3	159.86	1000.00	09°09'33"	159.89	N83°48'35"W
C4	93.06	150.00	35°33'07"	91.99	S71°30'05"W
C5	142.59	250.00	32°42'52"	140.85	N32°18'45"W

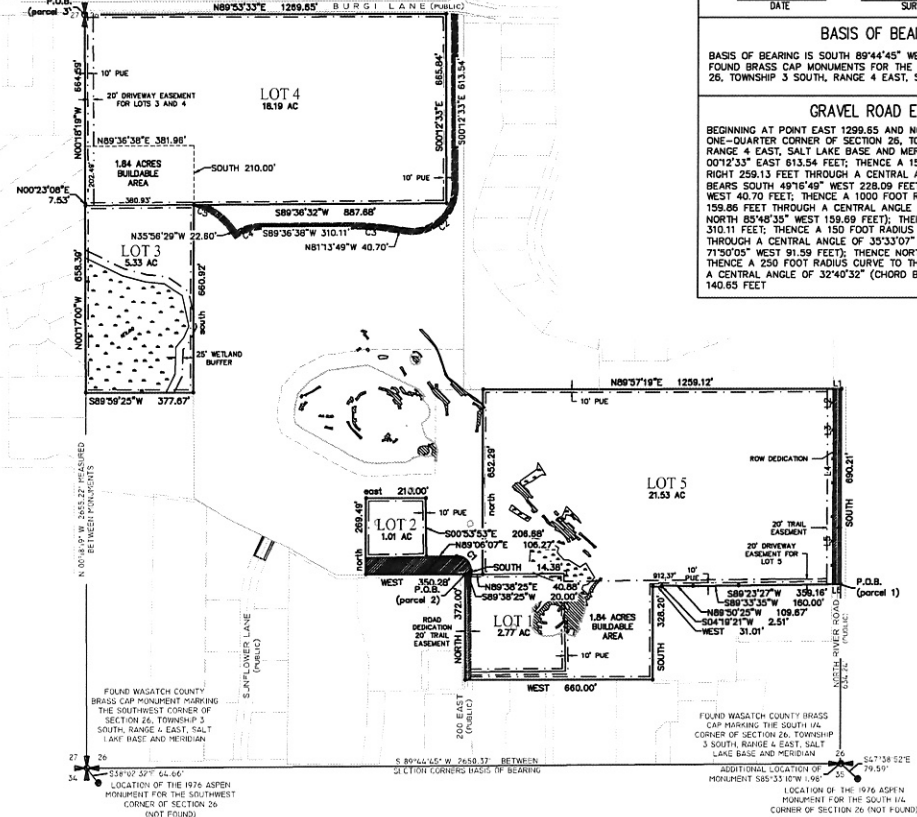
LINE	LENGTH	BEARING
L1	28.93	S89°37'19"W
L2	97.30	S00°14'58"E
L3	93.81	S00°02'13"E
L4	191.88	S00°12'47"W
L5	305.91	S00°02'58"W
L6	28.89	N89°23'27"E

**SYMBOL LEGEND**

- SURVEY BOUNDARY
- PUBLIC UTILITY EASEMENT
- GEOLOGICAL FEATURE
- FOUND SECTION CORNERS (AS NOTED ON DRAWING)
- 20' GRAVEL DRIVEWAY EASEMENT
- WETLANDS
- SENSITIVE LANDS

# MOUNTAIN SPA - RURAL PRESERVATION SUBDIVISION

FOUND WASATCH COUNTY BRASS CAP MARKING THE WEST 1/4 CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.



FOUND WASATCH COUNTY BRASS CAP MARKING THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

LOCATION OF THE 1976 ASPEN MONUMENT FOR THE SOUTHWEST CORNER OF SECTION 26 (NOT FOUND)

ADDITIONAL LOCATION OF MONUMENT 585-35 10' W 1.06' S 74.59'

LOCATION OF THE 1976 ASPEN MONUMENT FOR THE SOUTH 1/4 CORNER OF SECTION 26 (NOT FOUND)

**20' SHARED DRIVEWAY EASEMENT BETWEEN LOT OWNERS**  
 LOTS 3 & 4 ARE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF THE SHARED 20' GRAVEL DRIVEWAY FROM BURG LANE. LOT 2 IS RESPONSIBLE FOR THE 20' GRAVEL DRIVEWAY FROM 200 EAST. SAID RESPONSIBILITY WILL END WHEN THE RESORT COMPLETES THE PAVED ASPHALT ROADWAY. LOTS 2, 3, & 4 SHALL HAVE THE RIGHT TO ACCESS THEIR LOTS FROM THE PRIVATE PAVED ROADS IN THE RESORT.

- RURAL SUBDIVISION NOTES:**
- THIS SUBDIVISION IS A RURAL PRESERVATION SUBDIVISION UNDER SECTION 16.18 OF THE MIDWAY CITY CODE.
  - ALL LOTS WITHIN THE SUBDIVISION ARE RESTRICTED FROM FURTHER DEVELOPMENT PER SECTION 16.18.6 OF THE MIDWAY CITY CODE.

**SURVEYOR**  
 TROY TAYLOR - PLS  
 ELEMENT LAND SURVEYING  
 2289 SOUTH 270 EAST  
 MIDWAY CITY, UTAH 84032  
 PHONE (801) 857-8748

DATE OF SURVEY: JULY 2020

DATE: \_\_\_\_\_  
 MIDWAY IRRIGATION COMPANY

DATE: \_\_\_\_\_  
 MIDWAY SANITATION DISTRICT

## SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-90-603 OF THE UTAH CODE, I, TROY TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 6854112 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH MEASUREMENTS 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

DATE \_\_\_\_\_ SURVEYOR \_\_\_\_\_ (SEE SEAL BELOW)

## BASIS OF BEARING

BASIS OF BEARING IS SOUTH 89°44'45" WEST 2850.37 FEET BETWEEN THE FOUND BRASS CAP MONUMENTS FOR THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

## GRAVEL ROAD EASEMENT

BEGINNING AT POINT EAST 1299.65 AND NORTH 2.17 FEET FROM THE WEST ONE-QUARTER CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN RUNNING THENCE SOUTH 00°12'33" EAST 613.94 FEET; THENCE A 150 FOOT RADIUS CURVE TO THE RIGHT 259.13 FEET THROUGH A CENTRAL ANGLE OF 88°58'44" (CHORD BEARS SOUTH 49°16'49" WEST 228.09 FEET); THENCE NORTH 81°3'40" WEST 40.70 FEET; THENCE A 1000 FOOT RADIUS CURVE TO THE LEFT 159.86 FEET THROUGH A CENTRAL ANGLE OF 09°09'33" (CHORD BEARS NORTH 85°48'35" WEST 159.89 FEET); THENCE SOUTH 89°36'38" WEST 310.11 FEET; THENCE A 150 FOOT RADIUS CURVE TO THE LEFT 93.06 FEET THROUGH A CENTRAL ANGLE OF 35°33'07" (CHORD BEARS SOUTH 71°30'05" WEST 91.99 FEET); THENCE NORTH 35°36'29" WEST 22.60 FEET; THENCE A 250 FOOT RADIUS CURVE TO THE LEFT 142.58 FEET THROUGH A CENTRAL ANGLE OF 32°42'52" (CHORD BEARS NORTH 52°18'45" WEST 140.85 FEET

## BOUNDARY DESCRIPTION

**PARCEL 1**  
 BEGINNING NORTH 634.24 FEET FROM THE SOUTH ONE-QUARTER CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN RUNNING THENCE SOUTH 89°23'27" WEST 359.16 FEET; THENCE SOUTH 89°33'35" WEST 160.00 FEET; THENCE NORTH 89°50'25" WEST 109.67 FEET; SOUTH 94°19'21" WEST 2.51 FEET; THENCE WEST 31.01 FEET; THENCE SOUTH 328.20 FEET; THENCE WEST 660.00 FEET; THENCE NORTH 372.00 FEET; THENCE NORTH 89°36'25" WEST 60.88 FEET; THENCE NORTH 852.28 FEET; THENCE NORTH 89°57'07" EAST 1259.12 FEET; THENCE SOUTH 690.21 FEET TO THE POINT OF BEGINNING. CONTAINS 24.84 ACRES

**PARCEL 2**  
 BEGINNING EAST 1328.37 FEET AND NORTH 682.40 FEET FROM THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN RUNNING WEST 350.28 FEET; NORTH 268.49 FEET; THENCE EAST 210.00 FEET; THENCE SOUTH 00°53'53" EAST 206.58 FEET; THENCE NORTH 89°08'07" EAST 106.27 FEET; THENCE A 50.00 FOOT RADIUS CURVE TO THE RIGHT 79.32 FEET THROUGH A CENTRAL ANGLE OF 90°53'53" (CHORD BEARS NORTH 45°28'56" EAST 71.26 FEET); THENCE SOUTH 14.38 FEET; THENCE SOUTH 89°38'25" WEST 60.88 FEET TO THE POINT OF BEGINNING. CONTAINS 1.50 ACRES

**PARCEL 3**  
 BEGINNING AT THE WEST ONE-QUARTER CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN RUNNING THENCE NORTH 80°53'33" EAST 1271.57 FEET; THENCE A 389.00 FOOT RADIUS CURVE TO THE RIGHT 58.31 FEET THROUGH A CENTRAL ANGLE OF 08°55'20" (CHORD BEARS NORTH 85°48'47" WEST 58.26 FEET); THENCE SOUTH 00°12'33" EAST 654.06 FEET; THENCE SOUTH 00°03'13" EAST 7.12 FEET; THENCE SOUTH 89°36'32" WEST 947.67 FEET; THENCE SOUTH 660.92 FEET; THENCE SOUTH 89°59'25" WEST 377.67 FEET; THENCE NORTH 00°17'00" WEST 658.38 FEET; THENCE NORTH 02°23'08" EAST 7.83 FEET; THENCE NORTH 00°18'19" WEST 664.59 FEET TO THE POINT OF BEGINNING. CONTAINS 28.11 ACRES

## OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, SHARED DRIVEWAY EASEMENTS, AND UTILITY EASEMENTS AND HEREBY DEDICATE THOSE AREAS LABELED AS SHARED DRIVEWAY EASEMENTS AND UTILITY EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
 BY: \_\_\_\_\_  
 CHECK HEATH

## ACKNOWLEDGMENT

STATE OF UTAH )  
 COUNTY OF WASATCH ) S.S.  
 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME \_\_\_\_\_ WHO DAILY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED.

MY COMMISSION EXPIRES \_\_\_\_\_  
 NOTARY PUBLIC

## ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HERON SHOWN.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

APPROVED \_\_\_\_\_ ATTEST \_\_\_\_\_  
 MAYOR CITY ENGINEER (SEE SEAL BELOW)

APPROVED \_\_\_\_\_ APPROVED \_\_\_\_\_  
 CITY ENGINEER (SEE SEAL BELOW) CITY ATTORNEY

## PLANNING COMMISSION APPROVAL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY THE  
 MIDWAY CITY PLANNING COMMISSION

PLANNING DIRECTOR \_\_\_\_\_ CHAIRMAN PLANNING COMMISSION \_\_\_\_\_

## MOUNTAIN SPA RURAL PRESERVATION SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH  
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.  
 SCALE: 1" = 200 FEET

## COUNTY SURVEYOR

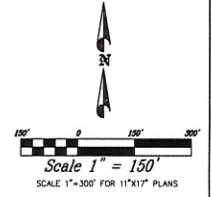
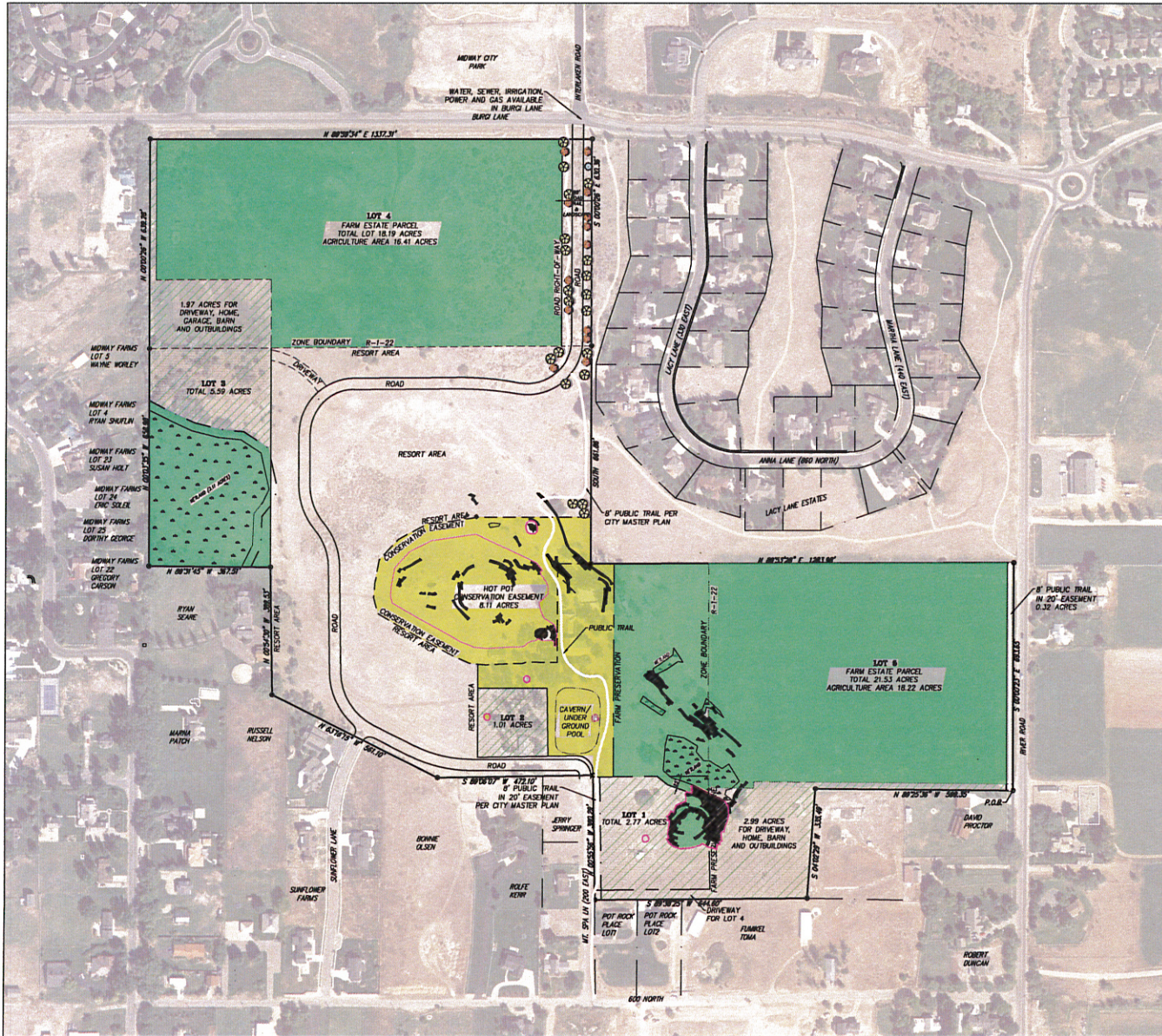
APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

ROS # \_\_\_\_\_

COUNTY SURVEYOR \_\_\_\_\_

SURVEYOR'S SEAL NOTARY PUBLIC SEAL CITY ENGINEER SEAL CLERK-RECORDER SEAL





**LAND USE TABLE**

CURRENT ZONE	R-1-22 & RZ
TOTAL AREA	78.02 ACRES
AREA IN RESORT ZONE	41.20 ACRES
AREA IN R-1-22 ZONE	36.82 ACRES
RESORT DEVELOPMENT PARCEL	19.51 ACRES
HOT POT CONSERVATION EASEMENT	8.11 ACRES

- LEGEND**
- WETLANDS (3.75 ACRES)
  - SLOPES > 25% (0.33 ACRES OUTSIDE OF HOT POT/CRATER)
  - HOT POT/CRATER SENSITIVE LANDS (3.52 ACRES)
  - RESORT ZONE BOUNDARY
  - PRESERVATION / NON-RESORT AREAS (HATCHED AREAS DENOTE AREAS WHERE BUILDING IS ALLOWED).
  - HOT POT CONSERVATION EASEMENT (8.11 ACRES)  
NOTE: AN ADDITIONAL 4.59 ACRES IS INCLUDED IN THE CONSERVATION EASEMENT.

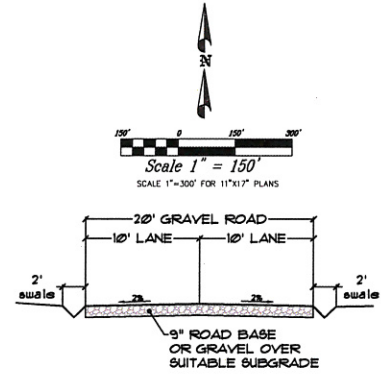
THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.  
 PAUL S. BERG, P.E.  
 SERIAL NO. 235985  
 DATE: 14 AUG 2020

CHUCK HEATH  
MOUNTAIN SPA  
OPEN SPACE EXHIBIT

**BERG ENGINEERING**  
 380 E. Main St., Suite 204  
 Midway, UT 84049  
 PH: 435-657-9749

DESIGN BY: PJB    DATE: 14 AUG 2020    SHEET: 1  
 DRAWN BY: PJB    REV:





**GRAVEL DRIVEWAY SECTION**

1. A 20' GRAVEL DRIVEWAY IS ALLOWED PER SECTION 16.18.14 OF THE MIDWAY CITY CODE. THE GRAVEL DRIVEWAYS FOLLOW ALIGNMENT FOR THE PROPOSED FUTURE 30' ASPHALT ROADS FOR THE RESORT. THE GRAVEL DRIVEWAYS WILL BE USED UNTIL THE RESORT IS DEVELOPED.

**LEGEND**

- WETLANDS (3.75 ACRES)
- SLOPES > 25% (0.33 ACRES OUTSIDE OF HOT POT/CRATER)
- HOT POT/CRATER SENSITIVE LANDS (3.52 ACRES)
- 20' GRAVEL DRIVEWAY AS ALLOWED PER SECTION 16.18.14 OF THE RURAL PRESERVATION SUBDIVISION CODE.

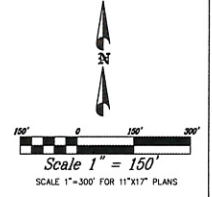
THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.  
 PAUL S. BERG, P.E.  
 SERIAL NO. 202085  
 DATE: 9 SEPT 2020

CHUCK HEATH  
 MOUNTAIN SPA  
 RURAL PRESERVATION  
 SUBDIVISION ROAD PLAN

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

DESIGN BY: PJB | DATE: 9 SEPT 2020 | SHEET  
 DRAWN BY: PJB | REV: | 2





**LEGEND**

- WETLANDS (3.75 ACRES)
- SLOPES > 25% (0.33 ACRES OUTSIDE OF HOT POT/CRATER)
- HOT POT/CRATER SENSITIVE LANDS (3.52 ACRES)
- RESORT ZONE BOUNDARY
- EXISTING PRESSURIZED IRRIGATION
- EXISTING WATER
- EXISTING SEWER
- PROPOSED WATER
- PROPOSED SEWER

**SEWER NOTES:**

- ALL SEWER LATERALS ARE 4"
- ALL SEWER IMPROVEMENTS SHALL MEET MIDWAY CITY STANDARDS & SPECIFICATIONS

**WATER NOTES:**

- ALL WATER IMPROVEMENTS SHALL MEET MIDWAY CITY STANDARDS & SPECIFICATIONS

**BLUE STAKE NOTE:**

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

**PRESSURIZED IRRIGATION NOTES:**

- ALL PRESSURIZED IRRIGATION IMPROVEMENTS SHALL MEET MIDWAY IRRIGATION COMPANY STANDARDS & SPECIFICATIONS.

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.  
 PAUL S. BERG, P.E.  
 SERIAL NO. 290885  
 DATE: 9 SEP 2020

CHUCK HEATH MOUNTAIN SPA	
UTILITY PLAN	
<b>BERG ENGINEERING</b> <small>380 E Main St, Suite 204 Midway, UT 84049 PH: 435-657-9749</small>	
DESIGN BY: PDB	DATE: 9 SEP 2020
DRAWN BY: PDB	REV: _____
SHEET 3	



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

June 30, 2005

Regulatory Branch (200550238)

Dan Byer  
1170 South Center Street  
Midway, Utah 84049

Dear Mr. Byer:

We are responding to your consultant's request for an approved jurisdictional determination for the Mountain Spa site. This approximately 58.5-acre site is located adjacent to Snake Creek in Section 26, Township 3 South, Range 4 East, SLB&M, Latitude 040° 31' 32.0", Longitude 111° 28' 5.30", in Midway, Wasatch County, Utah.

Based on available information and a site visit conducted by Jason Gipson of this office on June 10, 2005, we concur with the estimate of waters of the United States, as depicted on the enclosed drawing, **June 21, 2005, Wetland Delineation Map**, prepared by **Harriet Whitson of Wise Earth**. Approximately 3.75 acres of waters of the United States, including wetlands, are present within the survey area. These waters are regulated under Section 404 of the Clean Water Act since they are adjacent to a tributary to the Provo River.

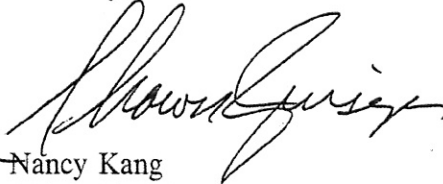
This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. A *Notification of Administrative Appeal Options and Process and Request for Appeal* form is enclosed. If you wish to appeal this approved jurisdictional determination, please follow the procedures on the form. You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

Under Section 404 of the Clean Water Act, a Department of the Army permit is required prior to discharging dredged or fill materials into waters of the United States. The type of permit required will depend on a number of factors, including the type and amount of waters affected by the discharge. For more information on how to obtain a permit from our office, please visit our website at <http://www.spk.usace.army.mil/regulatory.html>.

Please refer to identification number 200550238 in any correspondence concerning this project. If you have any questions, please contact Jason Gipson at the Utah Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010-7744, email [jason.a.gipson@usace.army.mil](mailto:jason.a.gipson@usace.army.mil), or telephone 801-295-8380, extension 22.

Sincerely,

  
FOR Nancy Kang  
Chief, Utah Regulatory Office

Enclosures

Copy furnished:

Harriet Whitson, Wise Earth, PO Box 980994, Park City, Utah 84098