

Midway City Council  
16 October 2018  
Regular Meeting

Ordinance 2018-23 /  
General Plan Amendment



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** October 16, 2018

**DOCUMENT:** Open Space Chapter of the General Plan

**NAME OF APPLICANT:** Midway City

**AGENDA ITEM:** General Plan Amendment

### **ITEM: 7**

Midway City is proposing a General Plan amendment. The proposal is to adopt an open space chapter to the Midway City 2017 General Plan.

### **BACKGROUND:**

The City is proposing an amendment to the Midway City General Plan. The proposed amendment would adopt a new chapter to the General Plan that focuses specifically on open space. The purpose of the chapter is to be a guiding light regarding and decision making regarding open space. Open space issues could come in several forms including when code text amendments for open space are considered, when open space configuration in a development is proposed, and if public funds are used to acquire, in some form, open space. The language is meant to be broad in nature and specific plans for open space would be created in other documents, such as code, policies or agreements, that would be developed in much greater detail. The new chapter will be the tenth chapter in the General Plan.

There are several reasons why the City is making this proposal. First, the proposed open space chapter will help guide City decision making as items regarding open space are considered. This chapter will help both the City Council and the Planning Commission as they plan for the community. Also, last year the Open Space Committee was formed which is an advisory committee to the City Council. The proposed Open Space chapter will help guide them as they make recommendations to the City Council. Another reason is that through two City surveys and

one private survey that was conducted over the past three years, it was identified that most participants felt preserving open space was important, if not, very important. It is also possible that the City will have open space bond funds available in the future and this document, though this chapter is broad and does not focus on a potential bond, will help guide the City regarding decision making if a bond is approved by the voters. Finally, open space is already mentioned over 30 times in our General Plan and this proposal will bring all those statements together into one chapter.

The Open Space Committee, staff and, in particular, Woody Woodruff developed the proposed open space chapter. Hours of discussion and work were put into tailoring the language of the proposed addition to the General Plan.

There are several sections included in the chapter that follow the same format as the other nine chapters in the General Plan. These sections include the following:

- Introduction
- Vision
- Defining Open Space
- Effective Open Space Use
  - Preserve Inter-City Open Space
  - Preserve Midway’s Unique Character
  - Create Local Neighborhood “Openness”
  - Provide Public Recreation Venues
- Identifying and Acquiring Open Space
  - Avoiding Ownership
  - Benefiting Midway’s Citizens
  - Leveraging and Partnerships
- Objectives
- Goals

**PROPOSED FINDINGS:**

- Open space preservation has been identified as a priority for the residents of Midway
- An open space chapter will help guide decision making regarding issues that involve open space
- The adoption of open space goals and objectives help define forms of planning and action for open space issues

## ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council feels there is good cause to amend the General Plan.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for approval (findings)
  
2. Continuance. This action can be taken if the City Council feels 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 feels there is not good cause to amend the General Plan.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial



## ORDINANCE 2018-23

### **AN ORDINANCE ADOPTING THE “OPEN SPACE” CHAPTER OF THE MIDWAY GENERAL PLAN, AND RELATED MATTERS.**

**WHEREAS**, the Midway City has adopted a General Plan which includes provisions regarding the promotion of open space and preservation of the rural feel of Midway City; and

**WHEREAS**, open space preservation has been repeatedly identified as a priority for the residents of Midway; and

**WHEREAS**, the proposed Open Space chapter of the General Plan will help guide decision making regarding open space issues by City officials, planning commission members, committee members and others; and

**WHEREAS**, the proposed Open Space chapter of the General Plan, attached hereto and incorporated herein by this reference, was presented to the Midway City Planning Commission who voted to recommend its adoption by the City Council; and

**WHEREAS**, notice regarding this proposed ordinance has given as provided by law; and

**WHEREAS**, the City Council accepts the recommendation of the Midway City Planning Commission, and agrees that it is in the best interest of the citizens of Midway that the Midway City General Plan be amended by including the Open Space chapter as contained herein:

**NOW THEREFORE**, for the reasons stated above, the City Council of the City of Midway, Wasatch County, Utah, hereby adopts, passes and publishes the following:

**BE IT ORDAINED**, by the City Council of Midway City, Wasatch County, State of Utah:

That the attached “Open Space” chapter shall be adopted as part of the Midway City General Plan.

This ordinance shall be effective immediately upon passage. A copy of this ordinance shall be posted at each of three (3) public places within the corporate limits of Midway City and a summary published in a paper of local circulation.



Exhibit A

DRAFT

# Open Space

## Midway City 2017 General Plan

### Introduction

The importance of preserving open space to meet the goals and objectives of the General Plan cannot be overstated. Indeed, references to preserving open space appear over 30 times throughout the foregoing chapters. Identifying, acquiring, preserving, and maintaining open space is fundamental to Midway’s heritage, its unique character, and its desirability as a place to live, work, and play. While previous chapters have included open space concerns in implementing the specific goals and objectives of the chapter, this chapter of the General Plan addresses the broader topic of identifying, acquiring, preserving, and maintaining open space generally.

### Vision

As set forth in Chapter 1, the Community Vision Statement of Midway “is to be a place where citizens, businesses and civic leaders are partners in building a City that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances our small town Swiss character and natural environment, as well as remaining fiscally responsible.”

Open space preservation is a critical element in fulfilling the Community Vision Statement in this General Plan. Specifically, the Community Vision Statement sets a goal for Midway “To be a beautiful, organized small-town community based on its distinct history of agriculture, open space and recreation.” *Goal 1, Community Vision Goals and Guidelines, Midway City 2017 General Plan, pg. 9.* *Guideline 5* seeks to implement this goal by “Encouraging the preservation of prime agricultural land and open space within Midway and the surrounding valley.” *Midway City 2017 General Plan, pg. 9.*

### Defining Open Space

“Open space” may mean different things to different people. To some, open space is sufficient space between houses in a subdivision so that neighbors have “elbow room.” To others open space is unobstructed views of the mountains and ridgelines surrounding our valley. In the context of this General Plan, open space is both and much more.

As used throughout this General Plan open space includes the following:

- Agricultural land (crops and livestock)
- Environmentally sensitive lands and slopes
- View corridors along streets and roads
- Setbacks and open space in developments
- Parks
- Trails
- Wetlands
- Wildlife habitats
- Buffer zones
- Conservation easements

## **Effective Open Space Use**

Open space is not – and cannot be – an end in or of itself. Rather, various types of open space, such as listed above, are used as tools to help design/create the future of Midway City, as captured in the Community Vision Statement. Different open space tools are applicable to different city design objectives, each of which has a unique purpose. These design objectives provide the necessary next level of detail for related open space planning, consistent with the Vision Statement and Midway values. Note that while open space is a critical element in realizing each of these design objectives, there are other important elements as well – e.g., city code. Also note that public debt financing will be required in some cases, as described in section: *“Identifying and Acquiring Open Space”*.

There are four Midway design objectives requiring use of open space tools. They are:

### **1. PRESERVE INTER-CITY SPACE**

Today Heber Valley-wide views – such as seen driving into the valley – provide a clear sense of separate cities: Midway, Heber, Charleston. These are connected only by expanses of “rural-ness”/agriculture. As seen in many places – Wasatch front in particular – cities tend to “sprawl” together into a single urban mass. As one of the fastest growing counties in the USA, Wasatch is certainly susceptible to this. Preserving Midway City’s unique rural setting in relation to other population centers in the Heber Valley might involve, for example, acquisition of non-development buffer zones in strategically located places. These buffer zones will preclude the urban sprawl that could turn Midway into an undifferentiated collection of roof tops in an ever-expanding asphalt and concrete landscape.

### **2. PRESERVE MIDWAY’S UNIQUE CHARACTER**

Midway City has a multi-faceted character, including clearly rural older areas, and newer developments with typical suburban character. The historic rural areas provide the city with a unique character / atmosphere, supported by readily visible in-town agriculture (cow & pasture ambiance), country-feel roads (grassy shoulders, open ditches), in-town barns and other historic buildings, etc. Preserving this character may require not only acquisition of selected in-town open space currently in agricultural use but may also require city code and planning support. Unlike the concept of buffer zones to counter urban sprawl, this objective focuses on potentially non-contiguous areas where this unique character is readily visible, and is intended to prevent its destruction from further development.

### 3. CREATE LOCAL NEIGHBORHOOD “OPENESS”

A sense of spaciousness in residential communities is provided by large setbacks, establishment of view corridors through restriction on view obstructing fences or structures, small community use areas (playgrounds, etc.), larger lot size zoning, and density regulations. For the most part, these features are required by city code, and not realized by open space acquisition. Recent revisions to city code have supported this objective, and further revisions can assist in its further realization.

### 4. PROVIDE PUBLIC RECREATION VENUES

This objective primarily focuses on parks, trails, and outdoor recreational or athletic venues. A separate chapter in the General Plan addresses these. They are included here in acknowledgement of their importance in an overall open space plan, and the potential use of open space public debt financing in their acquisition / construction.

These design objectives elaborate on the Community Vision Statement and further define the City’s values and priorities for open space. Use of limited city resources in the acquisition or preservation of open space demands disciplined focus, insuring each acquisition is well purposed to its respective design objective.

## **Identifying and Acquiring Open Space**

Before open space can be preserved, it must first be identified and acquired. In identifying open space, the City will be guided by the city design objectives listed above, insuring prospective properties are well matched to intended purposes. In addition, the City will also be guided by the following general values and principles, which are applicable to all acquisitions regardless of purpose.

**Avoiding Ownership:** With some exceptions, it is generally not in the City’s interest to hold title to real estate. Where possible, it is desirable for property to remain under current ownership and be maintained primarily for its current general use. Ideally, open space is preserved through acquisition of some or all development rights, or the

creation of conservation easements while legal ownership of the property remains with the willing landowner.

**Benefiting Midway's Citizens:** Open space acquisition or preservation proposals must be evaluated with the benefit of the citizens of Midway in mind. For Example, since significant aesthetic value is a clear benefit of most of the different design objectives, the acquisition or preservation projects should ideally be located in positions of clear and frequent visibility to a maximum number of Midway citizens – for example, along main access or collector roads, roads frequented by many on day to day travel, or from viewpoints shared by many.

**Leveraging and Partnerships:** Where possible and practical, the City will work with other organizations, agencies, groups, and individuals who will share the costs of open space preservation projects. With the obvious exception of zoning and land use regulations or a gift of an interest in land, such as development rights or a conservation easement, acquisition of open space requires money. From the City's perspective, the funds to acquire and preserve open space can be raised by issuing municipal bonds, general tax revenues, or new taxes designated for open space acquisition. Grants from both governmental sources as well as charitable organizations may be available and usually require matching funds from the City. By creatively leveraging grants and tax incentives to willing landowners who are interested in making a charitable donation of land, development rights, or conservation easements, the City can acquire and preserve open space at a fraction of the cost to taxpayers that outright purchase would require.

In the context of this Plan, and depending upon the precise type of open space to be preserved, acquisition of open space can take several forms:

- Density requirements in zoning regulations
- Set back requirements in zoning regulations
- Purchase of land in fee simple by Midway City
- Purchase of the development rights to the land by Midway City
- Acquisition of a conservation easement
- Accept a gift of either land or development rights donated by the landowner
- Partner with charitable land preservation organizations to purchase the land, the development rights, or conservation easement
- Support and encourage charitable land preservation organizations in their efforts to purchase land, development rights, and conservations easements

Preserving open space can range from reasonable land use regulations, such as setbacks in residential neighborhoods, to partnering with willing landowners and other entities, organizations, and individuals to create a conservation easement on a large

parcel of agricultural land.

**Goal 1: Establish a systematic process to identify and acquire open space to fulfill the objectives and goals identified throughout this Plan.**

**Objective 1: Appoint a committee of citizen volunteers to serve as an Open Space Advisory Committee to assist and advise the City Council on open space matters.**

**Objective 2: Establish an ongoing relationship with Wasatch County Open Space Board to stay abreast of county-wide open space initiatives and concerns and to represent Midway City's interests at the county level.**

**Objective 3: Establish an ongoing relationship with Utah Open Lands and other land preservation organizations.**

**Goal 2: Solicit feedback from residents of Midway on open space issues and provide information to residents on the importance of and desirability of preserving open space.**

**Objective 1: Develop informational materials in various media formats to distribute to residents.**

**Objective 2: Conduct "town hall" type meetings from time to time to solicit input from residents on open space preservation projects.**

**Goal 3: Follow the priorities, values, and principles set out in this Chapter when considering any open space preservation project or proposal.**

**Objective 1: Establish a systematic process that will insure each of the priorities, values and principles set out in this Chapter is followed in each open space preservation project or proposal.**

**Objective 2: Create a public record of how the priorities, values, and principles guided the approval or disapproval of all open space preservation projects or proposals that involve the expenditure of public funds.**

**Objective 3: Educate and assist willing landowners in pursuing open space land preservation.**