

MINUTES OF THE MIDWAY CITY COUNCIL

(Work Meeting)

**Tuesday, 3 August 2021, 5:00 p.m.
Midway Community Center, Council Chambers
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, Ridley's Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

1. Call to Order

Mayor Johnson called the meeting to order at 5:02 p.m.

Members Present:

Celeste Johnson, Mayor
Steve Dougherty, Council Member
Jeff Drury, Council Member
Lisa Orme, Council Member
JC Simonsen, Council Member

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Members Excused:

Kevin Payne, Council Member

2. Ordinance 2021-17 / Accessory Dwelling Units (City Planner – Approximately 15 minutes) – Discuss Ordinance 2021-17 amending Midway City Municipal Code regarding Accessory Dwelling Units.

Corbin Gordon gave a presentation regarding accessory dwelling units and reviewed the following items:

- Analysis of State Code
- What could be regulated
- What could not be regulated
- Internal accessory dwelling units (IADUs)
- Building inspections
- Violations and fines
- Requiring additional water

Mr. Gordon also made the following comments:

- The State Code allowed IADUs in primary residences.
- A long-term rental could be considered a primary residence.
- What if an owner could not demonstrate that the space had been inspected?
- IADUs could be excluded from 25% of a city.
- IADUs could simply replace children with renters, or they could add an additional family to a house.
- An ordinance needed to be adopted before October 1st.

The Council, staff and meeting attendees discussed the following items:

- The State Code distinguished between IADU's in new and existing construction.
- The City could not prohibit IADUs through zoning.
- Some homeowners wanted a second kitchen with a walkout.
- Could additional water and impact fees be required based on water usage?
- Could the City determine when more than the provided 0.8-acre feet of water was being used? Should this amount be increased?
- 0.8-acre feet assumed full occupancy in a house. It also assumed maximum density which was not happening.
- It was misguided to do everything possible to prevent ADUs.
- The Utah League of Cities and Towns indicated that the percentage of ADUs was not that large in municipalities that allowed them.
- People could not find affordable and attainable housing.
- Nightly rentals competed with affordable housing.

3. Ordinance 2021-18 / One-Family Dwellings (City Planner – Approximately 20 minutes) – Discuss Ordinance 2021-18 amending the Midway City Municipal Code regarding one-family dwellings.

Michael Henke gave a presentation regarding the proposed ordinance and reviewed the following items:

- Benefits
- Overview
- Examples
- Option one which allowed only one kitchen
- Option two which was recommended by the Planning Commission

Mr. Henke also made the following comments:

- The ordinance defined what was allowed in a one-family dwelling. This was not clearly defined currently, and he was having to interpret the Municipal Code.

Note: A copy of Mr. Henke's presentation is contained in the supplemental file.

4. Ordinance 2021-19 / Accessory Structures (City Planner – Approximately 20 minutes) – Discuss Ordinance 2021-19 amending the Midway City Municipal Code regarding accessory

structures.

Michael Henke gave a presentation regarding the proposed ordinance and reviewed the following items:

- Current code language
- Living space
- Nonliving space
- Breezeways
- Planning commission proposal

Mr. Henke also made the following comments:

- The ordinance defined what was allowed in accessory structures.
- Violators were usually caught when they advertised.
- The City spent more that it received because of additional living spaces.

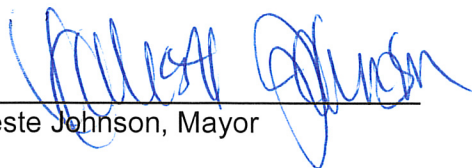
Note: A copy of Mr. Henke's presentation is contained in the supplemental file.

The Council, staff and meeting attendees discussed the following items:

- Why was the City against guest cottages or multiple kitchens?
- People needed housing and wanted additional living spaces in houses and accessory structures.
- Additional living spaces were not duplexes.
- Allowing living space in accessory structures circumvented the City's zoning and allowed two houses per lot. This was not circumventing the zoning because the house and structure were owned by the same person.
- The City should help provide living space.
- There was a difference between living space and affordable housing. Rent restrictions might be needed to make it affordable. Less expensive was also not necessarily affordable.
- Even if housing was not affordable for a dishwasher it could be for a schoolteacher.
- There was a lack of housing inventory.
- Zoning helped maintain quality of life.
- More inventory lowered prices and rent.
- The City should get something in return for reducing its restrictions.

5. Adjournment

The meeting was adjourned at 6:02 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder