

**Midway City Planning Commission Regular Meeting  
Minutes October 12, 2021**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., October 12, 2021, at the Midway City Community Center 160 West Main Street, Midway, Utah

**Attendance**

Jeff Nicholas- Chairman  
Andy Garland  
Laura Wardle  
Bill Ream  
Heather Whitney

**Staff**

Michael Henke – City Planner  
Melannie Egan – Admin. Assistant  
Wes Johnson – City Engineer  
Luke Robinson - Planner

**Excused**

Jon McKeon  
Rich Clifton  
Rob Bouwhuis- Vice Chair  
Craig Simons

**6:00 P.M. Regular Meeting**

**Call to Order**

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
  - Invocation was given by
  - Chairman Nicholas led the Pledge of Allegiance

**Item 1:**

Review and possibly approve the Planning Commission Meeting Minutes of September 14, 2021.

**Motion:** Commissioner Garland: I make a motion that we recommend approval of the minutes for September 14, 2021, with the changes that were given to Melannie Egan.

**Seconded:** Commissioner Wardle

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

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Whitney, Wardle and Garland

**Nays:** None

**Motion:** Passed

**Item 2:**

Dan Luster, agent for Midway Heritage Development LLC, is proposing a master plan amendment for The Village. The proposed revised plan is a mixed-use development that contains both commercial and residential uses. The proposal includes 44,128 square feet of commercial space in multiple buildings, 143 dwellings, park, and trails, to be developed in five phases. The master plan is on 27.47 acres and contains 8.68 acres of open space. The property located at 541 East Main is in the C-2 zone.

**Planner Henke gave a presentation**

**Land Use Summary**

- 27.47 acres total, 8.68 acres of open space
- C-2 zone
- 44,128 square feet of commercial space
- 143 dwellings
- 5 phases
- Sensitive lands
  - Slopes 25% and greater

**Master Plan Requirements**

- General feasibility
- Water rights
  - Held in escrow by the city before the master plan agreement is recorded
- Roads/traffic circulation
- Sensitive lands protection
- Open space

**Discussion Points**

- Water Rights
- Traffic Study
- Alley Access
- Open Space
  - 8.32 acres required; 8.81 acres provided
- Sensitive Land
- Public Participation Meeting
  - Held on October 11, 2021
- Trails and Sidewalks
- Architecture Theme
- Parking
  - 189 commercial

- 303 residential (358 required)
- Required Commercial Square Feet
  - 44,128 provided (ground level)
- Setbacks
- Height of structures
- Transient Rental Overlay District
- One Property Owners' Association
- Geotechnical Reports
- Snow Removal
- Trash Pickup

### **Discussion Items**

- Phases 4, and 5 cannot be recorded until the correct ratio of commercial has been built to allow for the residential to be approved.
- Landscaping - The commercial areas of Phases 1 and 2, which front Main Street, must either be in agricultural production or landscaped, even in areas where future buildings will be located. The landscaping may be minimal with grass and an irrigation system, but they will need to be kept orderly and maintained.

### **Waterboard Recommendation**

- The Water Advisory Board as approved an estimated 172 acre-feet will need to be held by the city in escrow before the master plan will be recorded.
  - The required water will be tendered to the City, per phase, before the recording of each plat.

### **Possible Findings**

- The proposal will benefit the city financially by creating a greater tax base.
- The proposal may help the city better comply with State requirements regarding the ability to collect resort tax depending on the number of units that are rented on a short-term basis.
- The developer has provided a parking stall plan that does not comply with residential code requirements.
- The proposal does appear to comply with the requirement of 20% commercial square feet of the mixed-use portion of the plan.
- Groundwater must be addressed to assure the below grade parking areas and basements are feasible.

### **Proposed Conditions**

1. Piezometers are installed in multiple areas of the development to monitor water levels over the next few years, especially in the areas of phases 2-5. The piezometers will provide information regarding the water table over multiple years. This will give information regarding the ability to develop future phases. If the water table is a problem

for some phases, then the master plan will need to be amended to continue to comply with code requirements.

2. The timing of required off-site improvements are established and included in the master plan agreement.
3. All public road required rights-of-way must be dedicated to the city. Right-of-way dedications must be real property and not public access easements.
4. Phases 4 and 5, which are completely residential, are not allowed to submit for preliminary approval until the correct ratio of commercial square feet has been built for each phase. 60% of the required commercial would need to be built to submit for preliminary approval of phase 4 and 80% of the required commercial would need to be built to submit for the preliminary of phase 5.
5. The commercial areas of Phases 1 and 2, which front Main Street, must either be in agricultural production or landscaped, even in areas where future buildings will be located. The landscaping may be minimal with grass and an irrigation system, but they will need to be kept orderly and maintained.

### **Commissioners and Staff Comment**

There was a discussion about emergency access. Michael stated that the developer and Wes Johnson has met with the fire district, and they have met all needs for emergency access.

There was a discussion regarding the snow removal. Michael stated that during each phase, it would have to be addressed and did agree that they would have to have the equipment to move the snow.

The third point of access (River Road) is optional according to code; however, the fire district and Wes Johnson agreed that the third point of access is necessary to relieve future congestion and have the emergency access needed.

Dan Luster discussed the neighborhood meeting. They talked about the landscaping, and he felt it was a good and productive meeting with the neighbors. He felt that everyone seems to be on the same page.

Dan Luster discussed the open space and the size of the commercial spaces. None of the commercial spaces are monolithic and support good sized businesses but not huge. He compared one of the commercial buildings being similar to the size of the restaurant the Back 40.

Dan Luster discussed the parking, trash removal and the challenges that they are working on. Paul Berg stated that the trash will be centrally located and screened walled.

Paul berg stated that the parking issue may be resolved by keeping some of the units to two bedrooms instead of making all the units three bedrooms.

Dan also stated that he has officially acquired the acre lot where the automotive shop and storage units are.

**Motion:** Commissioner Whitney: I make a motion that we recommend approval of the master plan amendment for The Village. The proposed revised plan is a mixed-use development that contains both commercial and residential uses. The proposal includes 44,128 square feet of commercial space in multiple buildings, 143 dwellings, park, and trails, to be developed in five phases. The master plan is on 27.47 acres and contains 8.68 acres of open space. The property located at 541 East Main is in the C-2 zone. We accept the staff findings and the proposed five conditions. Also, including a sixth condition of having the required parking plan resolved before going to City Council.

**Seconded:** Commissioner Ream

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

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Whitney, Wardle and Garland

**Nays:** None

**Motion:** Passed

**Item 3:**

Wayne Gordon, agent for Bill Nibley, is requesting approval of a conditional use permit that would allow a mixed-use development on the Daybell Garage property. The proposed mixed use would consist of a restaurant and a residential unit. The property is located at 298 South Center Street and is in the C-2 zone.

**This item was removed from the agenda.**

**Item 4:**

Midway City is proposing an amendment to Section 10.07: "Development within the City" of the Midway City Municipal Code. The proposed amendment would require water rights dedication for new developments containing wetlands.

**Planner Robinson gave a presentation.**

**Proposal Background**

The purpose of this item is to amend Title 10 so that if a property is developed that has a delineated wetland that has been historically irrigated, the developer would be required to dedicate sufficient irrigation water rights to ensure that that the wetlands can continue to be irrigated.

**Proposed Code Language (Proposed text in red)**

TABLE 1  
MIDWAY CITY  
WATER REQUIRED FOR BUILDING AND DEVELOPMENT

NOTE: The following general formula will be used in determining the required number of acre feet of water. The City will utilize its own experience and Division of Drinking Water Standards in allocating specific water requirements.

Indoor Culinary Usage: 0.8 acre-feet of water per equivalent residential unit

Outdoor Irrigation Usage:

For lots measuring less than 14,520 sq. ft.: 5,000 sq. ft. will be subtracted for impervious surface that will not be calculated for outdoor water requirements.

For lots measuring 14,520 sq. ft. or more: 8,000 sq. ft. will be subtracted for impervious surface that will not be calculated for outdoor water requirements.

All irrigated areas in the subdivision (including park strips and water features) are required 3-acre feet of water.

*Areas proposed for development that have delineated wetlands and have been historically irrigated will be required to dedicate water rights to ensure that the wetlands can continue to be irrigated.*

Commercial Usage: Water requirements will be determined by the City on a case-by-case basis using the above formulas and applying any factors unique to the application.

### **Possible Findings**

- The proposed amendment will require water rights to be turned over for the continued irrigation of historically irrigated delineated wetlands.
- The proposed amendment would ensure that adequate irrigation is provided in the event a wetland boundary changes, allowing a former wetland to be landscaped and irrigated.

Public Hearing Open

None

Public Hearing Closed

### **Commissioners and Staff Comment**

There was a discussion regarding traditional irrigated vs delineated wetlands. Remund Farms was used as the example. The Waterboard was the one who was the catalyst on the issue.

There was a discussion regarding the delineation process and the Army Core of Engineers.

**Motion:** Commissioner Ream: I make a motion that we recommend approve of the amendment to Section 10.07: "Development within the City" of the Midway City Municipal Code. The proposed amendment would require water rights dedication for new developments containing wetlands. We also accept the staff findings with no conditions.

**Seconded:** Commissioner Wardle

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



**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Whitney, Wardle and Garland

**Nays:** None

**Motion:** Passed

**Item 5:**

Midway City is proposing an amendment to Sections 16.4, 16.5, 16.15, 16.16, 16.17, 16.18, and 16.30 of the Midway City Municipal Code. The proposed amendment would require existing power distribution lines to be buried for new developments along public and private roads.

**Planner Robinson gave a presentation.**

**Proposal Background**

The purpose of this item is to amend the current land use ordinance for Midway City, requiring new developments to bury existing utility poles and lines (distribution, communication, and residential services) that are located along their frontages on public and private roads.

**Proposed Code Language (Proposed text in red)**

**Business and Manufacturing Park Zone -16.4.3.M**

*M. Power Lines. As a property is developed, or redeveloped, the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines.*

**Commercial C-2 and C-3 Zones -16.5.3.I and J -**

*I. Power Lines. As a property is developed, or redeveloped, the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines.*

*J. Mixed-Use Standards. (Existing requirement renumbered from I to J)*

*1. Lots less than one acre:*

*a. Frontage: 70 feet*

*b. One single-family dwelling (above, behind or detached)*

*c. A minimum of 20 percent of the gross square feet of all structures on the lot must be deed-restricted as commercial.*

*2. Lots greater than one acre:*

*a. Frontage: 200 feet*



- b. *Up to 20 residential units per acre*
- c. *A minimum of 20 percent of the gross square feet of all structures on the lot must be deed-restricted as commercial.*

**Resort Zone -16.15.4.G.9.c**

- c. *All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. As a property is developed, or redeveloped, the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*
- 2. *All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. As a property is developed, or redeveloped, the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*

**Planned Unit Developments and Subdivisions -16.16.7.A.2**

- 2. *All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. As a property is developed, or redeveloped, the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*

**Small Subdivisions -16.17.7.B**

- B. *All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. As a property is developed, or redeveloped, the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*



### **Small Subdivisions -16.17.7.B**

- B. *All dwelling units shall be served by a public sewer and a City-approved water supply. All utilities within the development shall be placed underground, including telephone, power and television. As a property is developed, or redeveloped, the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*

### **Rural Preservation Subdivision -16.18.18.B**

- B. *All dwelling units shall be served by a city-approved water supply. All utilities within the Rural Preservation subdivision shall be placed underground, including telephone, power and television. As a property is developed, or redeveloped, the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*

### **Density Reduction Subdivision -16.30.23.B**

- B. *All dwelling units shall be served by a city-approved water supply. All utilities within the Density Reduction Subdivision shall be placed underground, including telephone, power and television. As a property is developed, or redeveloped, the existing utility poles (distribution, communication, and residential services) and their associated lines located along the property frontage must be buried by the developer/property owner. The overhead lines shall be buried to the property line if there is an existing pole. If no pole exists at a property line, the distribution line shall be buried to the nearest pole beyond the property line. This requirement does not apply to existing transmission lines. All dwelling units shall have separate utility connections and metering.*

### **Possible Findings**

- The proposed adjustment will enhance the views from our transportation corridors by removing visual clutter, which is supported by the general plan.
- The proposed adjustment may improve reliability by burying utilities and protecting them from storm events.
- The costs associated with installation and maintenance of buried utilities may be more than that of overhead utilities.
- Buried utilities can be impacted by third party excavations.

## Commissioners and Staff Comment

There was a discussion about legal lots of records or already platted lots. Michael Henke explained that they would not be subject to this ordinance as those lots are already created and basically the development is already complete.

There was a short explanation about illegal lots that are not developed, and a one lot subdivision is the only way for the lot to become buildable and would be subject to burying the line. Michael Henke explained the process of finding out if a property owner has a lot of record. The property owner may not know if their land is a lot of record. The property owner is responsible to do their own diligence.

Public Hearing Open

None

Public Hearing Closed

**Motion:** Commissioner Ream: I make a motion that we recommend approval of the amendment to Sections 16.4, 16.5, 16.15, 16.16, 16.17, 16.18, and 16.30 of the Midway City Municipal Code. The proposed amendment would require all overhead lines, except transmission lines to be buried for new developments along public and private roads. We also accept all of staff findings and change redevelopment be defined to re-subdivide or change of use.

**Seconded:** Commissioner Garland

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

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Whitney, Wardle and Garland

**Motion: Passed**

## Item 6:

Midway City is proposing an amendment to Section 16.17: "Small Subdivisions" of the Midway City Municipal Code. The proposed amendment would correct minor issues staff has identified with the current code.

**Planner Robinson gave a presentation.**

## Proposal Background

The purpose of this item is to update the Small Subdivision ordinance, section 16.17, to remove outdated or irrelevant requirements and to refresh the remaining portions so they reflect current processes and requirements.

## Highlights of Proposed Adjustments

- Eliminates language limiting any further subdivision of a plat.
- Removes the required concept plan section.

- Requires developers to bury all overhead power and communication lines along existing road frontages.
- Removes many outdated or irrelevant requirements.
- Updates and reorganizes some of the remaining requirements.

**Possible Findings**

- The proposed adjustment will update the small subdivision code to reflect current processes and requirements.

Public Hearing Open

None

Public Hearing Closed

**Commissioners and Staff Comment**

**Motion:** Commissioner Ream: I make a motion that we recommend approval of the amendment to Section 16.17: "Small Subdivisions" of the Midway City Municipal Code. The proposed amendment would correct minor issues staff has identified with the current code. We accept the staff findings and to generalize any providers.

**Seconded:** Commissioner Wardle

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

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Whitney, Wardle and Garland

**Motion: Passed**

**Item 7:**

Midway City is proposing an amendment to Sections 16.7, 16.8, 16.9, 16.10, 16.11, and 16.12 of the Midway City Municipal Code. The proposed amendment would change setbacks for the residential zones.

**Planner Henke gave presentation.**

**Proposal Background**

The purpose of this item is to review and amend the City's land use ordinance regarding setbacks in residential zones with the goal of preserving view corridors and the rural character of Midway.

**General Plan Support for Adjustments**

Elements of the Community Vision

- Effective planning through clustering, setbacks, Transfer Development Rights, and

animal/agriculture ordinances will help Midway to preserve its view corridors, maintain open spaces and reinforce a country/rural feeling.

- Goal 2: Encourage open space to preserve a high quality of life and to preserve Midway's rural atmosphere.
- Objective 1: Protect all of the environmental and natural resources of the city by requiring development to occur in a manner and location which respects sensitive environmental lands: wetlands, flood plains and natural drainage patterns, steep slopes, productive agricultural lands, geologically unstable areas, critical wildlife areas, vegetation and important scenic features such as ridge lines hillsides and view corridors.

**Residential Dwelling Setback Comparison Matrix:**

	Minimum <b>Front</b> Setback (Existing/Proposed)	Minimum <b>Side</b> Setback (Existing/Proposed)	Minimum <b>Rear</b> Setback (Existing/Proposed)
<b>R-1-7 Zone</b> (min. 70' frontage)	30' / 30'	10' / 10'	30' / 30'
<b>R-1-9 Zone</b> (min. 90' frontage)	30' / 30'	10' / 10'	30' / 30'
<b>R-1-11 Zone</b> (min. 100' frontage)	30' / 30'	10' / 15'	30' / 30'
<b>R-1-15 Zone</b> (min. 100' frontage)	30' / 30'	10' / 15'	30' / 30'
<b>R-1-22 Zone</b> (min. 115' frontage)	30' / 40'	12' / 20'	30' / 40**
<b>RA-1-43 Zone</b> (min. 150' frontage)	30' / 50'	14' / 30'	30' / 50'

\*On parcels less than 0.60 acres in size and with more than 160' of frontage, a 30' rear setback may be allowed.



**Accessory Buildings Setback Comparison Matrix:**

	Minimum <b>Front</b> Setback	Minimum <b>Side</b> Setback	Minimum <b>Rear</b> Setback
<b>R-1-7 Zone (Exist)</b>	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	10'	10'
Proposed ≥20' height	40'	15'	15'
<b>R-1-9 Zone (Exist)</b>	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	10'	10'
Proposed ≥20' height	40'	20'	20'
<b>R-1-11 Zone (Exist)</b>	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	15'	15'
Proposed ≥20' height	40'	20'	20'
<b>R-1-15 Zone (Exist)</b>	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	15'	15'
Proposed ≥20' height	40'	20'	20'
<b>R-1-22 Zone (Exist)</b>	30'	12' or 3'	10' or 2'
Proposed <20' height	50'	20'	20'
Proposed ≥20' height	50'	30'	30'
<b>RA-1-43 Zone (Exist)</b>	30'	14' or 3'	10' or 2'
Proposed <20' height	60'	30'	30'
Proposed ≥20' height	60'	40'	40'

\*Accessory structures that are 200 square feet or less in size, are 12' or less in height and have temporary foundations, may be located up to 3' from a side or rear property line in any residential zone. There is no exception to the front setback. At the owner's risk, they may be located on a platted public utility easement, all other easements are considered unbuildable. All drainage must be maintained on site.

**Possible Findings**

- Preserving view corridors and open space is an important goal for the community.
- Extending setbacks will preserve the rural atmosphere of Midway.
- Increasing residential setbacks will likely make many structures legally non-conforming.
- Increasing setbacks may limit the size of some dwellings on smaller lots.
- Increasing setbacks may limit the ability to construct detached accessory structures on lots in some zones.

Public Hearing Open  
None  
Public Hearing Closed

### **Commissioners and Staff Comment**

Heather Whitney is concerned with the setbacks for the accessory buildings. Along with the fact that there will be so many nonconforming buildings, that would be restricted if they wanted to modify them. Michael Henke explained that one of the things that was done earlier is that the code was recently changed to loosen up some of the ordinances that constricted modification of an existing non-conforming building. She doesn't believe that this can be pushed through with just one meeting and does not feel comfortable passing it until it was looked at more regarding accessory buildings and what type of accessory buildings.

Bill Ream is worried more about the side setbacks more than the back setbacks.

There was a discussion regarding looking at not only setbacks but volume.

There was a discussion regarding the legality of restricting a property owner. Michael Henke explained what "a taking" is. He stated that it would happen more for developments and not individual lots.

**Motion:** Commissioner Garland: I make a motion that we recommend continuance of the amendment to Sections 16.7, 16.8, 16.9, 16.10, 16.11, and 16.12 of the Midway City Municipal Code. The proposed amendment would change setbacks for the residential zones. Bring this back later after the City Council meeting discussion.

**Seconded:** Commissioner Whitney

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

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Whitney, Wardle and Garland

**Motion:** Passed

### **Item 8:**

Midway City is proposing an amendment to Section 16.16: "Planned Unit Development and Subdivisions" of the Midway City Municipal Code. The proposed amendment would review the entire ordinance and changes could affect all provisions of the current code including setbacks, open space requirements, density, etc.

**Planner Henke gave presentation.**

### **Proposal Background**

The purpose of this item is to review and possibly amend the City's land use ordinance

regarding regulation for PUDs. Density, setbacks, required open space, parking, etc. will all be considered

**PUD Density**

<b>Zone</b>	<b>PUD Density</b>	<b>Standard Subdivision Density</b>
R-1-7	5.0 units per acre	6.2 (-15% for roads = 5.3)
R-1-9	4.0 units per acre	4.8 (-15% for roads = 4.1)
R-1-11	3.0 units per acre	4.0 (-15% for roads = 3.4)
R-1-15	2.5 units per acre	2.9 (-15% for roads = 2.5)
R-1-22	2.0 units per acre	2.0 (-15% for roads = 1.7)
RA-1-43	1.25 units per acre	1.0 (-15% for roads = 0.9)

- PUD requires a minimum of 10 acres & 40 units
- PUD density calculated from gross acreage

**PUD Open Space**

- PUD open space requirements is 50%.
- Open space must be a minimum of 100'.
- Opens space on periphery setbacks also counts even if less than 100' (minimum setback is 60').
- Adjusting the open space requirement may require more clustering up to 4 units are allowed in a building.

**PUD Visitor Parking**

- Currently visitor parking is required in PUDs at the rate of a stall for every two units.
- There is not a requirement to where the stalls need to be located but staff feels that it would be good to have visitor stalls located within a specific distance from the units in the PUD.

**Commissioners and Staff Comment**

Andy Garland asked if there was an actual definition of Open Space and stated that he would like to perhaps change the name from Open Space to Open Area or Required Open Area. Michael also stated that Open Space gets mixed up with the Open Space Bond which is large and vast parcels, and open space in a PUD isn't the same type of thing.

Jeff Nicholas stated that the advantage of a PUD is having the open space and setbacks that people can enjoy. He likes the way Valais is built with the park and open space in the front where it can be seen and enjoyed by all.

The biggest complaint on PUDs is from the neighbors that live on the perimeters and are too close to their lots and homes.

Remond Farms has no space that is welcoming to the public like Valais is with the park and trails at the entrance. Remond Farms is not a destination. Wants to find a way to get people to know that they have a feature that can be used.

There was a discussion about PUD's and the types of residents living in them. The discussions revealed that it is a mix. Remond Farms, Valais and Scotch Fields have a lot of young families and Appenzell, Turnberry and Sunburst tend to have older residents without families.

Public Hearing Open

None

Public Hearing Closed

**No Motion on this discussion**

Adjournment

**Motion:** Commission Whitney

**Second:** Commissioner Ream

9:42 pm

  
\_\_\_\_\_  
Chairman – Jeff Nicholas

  
\_\_\_\_\_  
Admin. Assistant – Melannie Egan