



Midway

PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: October 12, 2021
NAME OF APPLICANT: Midway City
AGENDA ITEM: Section 10.07 of the Midway City Municipal Code

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.

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 will be required to dedicate sufficient irrigation water rights to ensure that that the wetlands can continue to be irrigated.

There is a concern that some wetlands that have been historically irrigated may for one reason or another dry up and upon reinspection by the Army Corps, they may not be considered wetlands anymore. If this happens, these areas need to have adequate irrigation water dedicated so that they can be maintained like other open space areas within a development. Previously, developers have not been required to dedicate water for wetlands, but with the proposed amendment, they would now be required to dedicate the needed irrigation water.

Staff is proposing that the requirement is added to Table 1 – Midway City Water Required for Building and Development found in section 10.07.020 - Amount of Water. The added requirement is shown in the table below in the *red* text:

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

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
 - 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. Recommendation of Denial. This action can be taken if the Planning Commission finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.

- a. Accept staff report
- b. List accepted findings
- c. Reasons for denial