

Midway City Planning Commission Regular Meeting Minutes July 13, 2021

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., July 13, 2021, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas- Chairman
Andy Garland
Bill Ream
Jon McKeon
Rich Cliften
Laura Wardle
Heather Whitney
Craig Simons

Staff

Michael Henke – City Planner
Wes Johnson – City Engineer
Luke Robinson - Planner

Excused

Rob Bouwhuis
Melannie Egan - Admin

6:00 P.M. Regular Meeting

Call to Order

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

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of June 8, 2021.

Motion: Commissioner Garland: I make a motion that we recommend approval of the minutes for June 8, 2021.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Cliften, McKeon, Ream, Wardle, Whitney, Garland and Simons

Nays: None

Motion: Passed

Item 2:

Brian Haslam is proposing a Conditional Use Permit for a manufacturing, toolmaking shop. Their property is .50 acres and is located at 295 W Killowen Drive. The property is in the R-1-22 zone.

Planner Robinson gave a presentation

Cottage Industry CUP

- 0.50 acres
- R-1-22 zone
- 2,320 sf accessory structure, currently under construction
 - Personal garage – 1,200 sf
 - Machine/Tool shop for business – 1,120 sf
 - No main dwelling currently

Possible Findings

- The proposed use is a conditional use in the R-1-22 zone.
- The proposal could increase traffic on Killowen Drive.
- There should be a main dwelling onsite before the business being conducted on the property.

Proposed Conditions

Before a cottage business license is approved and business is conducted onsite, the applicant is required to have a certificate of occupancy for both a main dwelling and the accessory structure.

Motion: Commissioner Whitney: I make a motion that we recommend approval of a Conditional Use Permit for a manufacturing, toolmaking shop. Their property is .50 acres and is located at 295 W Killowen Drive. The property is in the R-1-22 zone. We accept the staff findings and condition and include an additional condition that the air conditioning unit is located on the south or west side of the building.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: McKeon, Ream, Wardle, Whitney, Garland and Simons

Nays: None

Motion: Passed

Abstained: Commissioner Cliften

Item 3:

Don Watkins of DPW Heber Inc., is requesting preliminary approval of phase 4 of the Saddle Creek Ranch subdivision. Phase 4 includes 10 lots on 6.31 acres. The property is located at 970 South 250 West and is in the R-1-22 zone.

Planner Robinson gave a presentation.

Land Use Summary

- Phase 4 – 6.27 acres
- Master Plan - 31.99 acres
- R-1-22 zoning
- Phase 4 – Ten lots
- Master Plan - 36 lots
- Open space
- Dedicated with previous phases
- Standard subdivision
- Public roads
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.
- No sensitive lands

Water Board Recommendation

- The original developer of the property tendered 109.5-acre feet to the City to comply with the culinary and secondary water requirements. Using current City water requirements, the proposal water requirement is in the range of about 106-109-acre feet. It appears the developer has tendered enough water to the city for the entire development.

Possible Findings

- The proposed plan for phase 4 complies with the requirements of the land use code.
- The proposal does meet the vision as described in the General Plan for the R-1-22 zone.
- Any failure to submit a proposed final plan and final approval submittal package within one year of the approval of the Preliminary Plan by the City Council shall terminate all proceedings and render the Preliminary Plan null and void.

Proposed Conditions

1. Any required water extension line agreement fees must be paid for before the recording of the plat.
2. Adjusted sewer easements need to be in place before the proposed plat is recorded. This includes the release of any easements that cross building lots.

Motion: Commissioner Ream: I make a motion that we recommend preliminary approval of phase 4 of the Saddle Creek Ranch subdivision. Phase 4 includes 10 lots on 6.31 acres. The property is located at 970 South 250 West and is in the R-1-22 zone. We accept staff findings and the two conditions in the staff report.

Seconded: Commissioner Whitney

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Cliften, McKeon, Ream, Wardle, Whitney, Garland and Simons

Nays: None

Motion: Passed

Item 4:

Midway City is proposing an amendment to Section 16.2 Definitions of the Midway City Municipal Code and the adoption of new code text in Section 16.13 – Supplementary Requirements in Zones. This proposal would allow for the onsite sale of certain agricultural products that are grown on the property.

Planner Robinson gave a presentation.

Proposal Background

Staff is proposing a code text amendment to Section 16.2: Definitions, that would remove the prohibition on property owners from selling agricultural crops that are grown on their private property. In addition to this adjustment, a new section will be added to 16.13: Supplementary Requirements in Zones, that outlines the criteria for private property owners to sell agricultural crops that are grown on the property. The proposed adjustments help promote the vision, goals and objectives as described in the General Plan.

Proposed Code Language (Red Text is Proposed Changes)

16.2 - Definitions

1. Agriculture. The growing of soil crops in the customary manner in the open. It shall not include livestock-raising activities. *The retailing of soil crops that are grown on-site will be allowed in all residential zones, as outlined in 16.13.*

16.13.49 Agricultural Sales in Residential Zones

Owners of private property in residential zones, may sell agricultural crops that are grown onsite with the approval of the zoning administrator or its designee and in compliance with the following guidelines:

1. *Property owners must submit a no-cost special use application to the Midway City planning department that addresses the following:*
 - a. *Provide a list of what agricultural crops will be sold onsite. All agricultural crops being sold must be grown on-site. The sale of non-agricultural items, agricultural crops grown off-site, animals, animal byproducts or processed foods is strictly prohibited.*

16.13.49 Agricultural Sales in Residential Zones - Continued

- a. Provide a site plan showing the following:
 - i. Any proposed improvements.
 - ii. The location of any proposed farm retail stand. Retail stands may not exceed 200 square feet (gross square footage) and must be located outside of the right-of-way, on the applicant's private property. Retail stands must be approved by the Midway Fire Chief.
 - iii. Proposed parking must be shown to ensure it is safe and adequate. Parking in the public right-of-way may be allowed if there is adequate room and it is in a location that is deemed safe. If parking in the right-of-way is not possible, then all parking must be located on private property. All parking is subject to the approval of the zoning administrator or its designee.
 - b. Allowed hours of operation: 7:00 AM to 7:00 PM, seven days per week.
 - c. Allowable signage: One sandwich board sign up to nine square feet that may be located in the right-of-way at ground level and cannot taller than four feet in height.
2. Must be in compliance with any local or state health and agricultural department requirements.

Proposed Code Adjustments

Currently, agriculture is a permitted use in only one of the residential zones, RA-1-43. Staff is proposing that it is added as a permitted use in all residential zones (R-1-7, R-1-9, R-1-11, R-1-15, R-1-22).

Possible Findings

- Promotes the goals and objectives of the General Plan which includes the preservation of Midway's agricultural character
- Creates additional incentive for property owners to engage in less intense uses by allowing them to grow and sell agricultural crops from their property
- Contributes to the rural atmosphere of Midway

Comments

It was proposed that the code should include a start time of 8:00 am.

Motion: Commissioner Simons: I make a motion that we recommend to continue the proposed amendment to Section 16.2 Definitions of the Midway City Municipal Code and the adoption of new code text in Section 16.13 – Supplementary Requirements in Zones. This proposal would allow for the onsite sale of certain agricultural products that are grown on the property. We would ask staff to address the following in the proposal: require the farm stand to be a temporary structure that is only erected during business hours, reduce the allowable size of farm stand, hours of operation, days per week (Mon.-Sat.)

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Cliften, McKeon, Ream, Wardle, Whitney, Garland and Simons

Nays: None

Motion: Continued

Item 5:

Midway City is proposing an amendment to Section 16.16.10 Open Space General Requirements of the Midway City Municipal Code. The proposed amendment would address the ability of sensitive lands to be included as required open space within developments. This item is based on amendments previously made to the General Plan.

Planner Henke gave a presentation.

Proposal Background

The purpose of this item is to review and amend the City's land use ordinance regarding open space and to consider whether there should be a limit on how much of a proposed developments required open space can be sensitive lands. This item was previously considered by the Planning Commission and the City Council in 2017. The Planning Commission's recommendation was that sensitive lands should not count towards any portion of the required open space. The City Council ultimately voted to not approve any adjustments to the ordinance, so sensitive lands can continue to count towards any open space requirements.

General Plan

- 2016 review of the General Plan
- 2017 Adoption of the revised General Plan

2017 General Plan

- 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.
- Midway is characterized by valuable open space resources that contribute to the community's character and overall quality of life. Open spaces hold value for ecological, agricultural, cultural, and recreational qualities, and these lands are worthy of careful planning and conservation.
- Guideline 5: Encourage the preservation of prime agricultural land and open space within Midway and the surrounding valley. High-quality, well-planned residential areas with open spaces that support and complement the unique rural quality and character of the city.
- Goal 2: Encourage open space to preserve a high quality of life and to preserve Midway's rural atmosphere.
- Development Vision
 1. High-quality, well-planned residential areas with open spaces that support and complement the unique rural quality and character of the city.
 2. Open space areas, while preserving sensitive lands.

As Previously Proposed by the Planning Commission (2017)

- Section 16.16.10 Open Space General Requirements
- D. Sensitive lands, as defined elsewhere in this Title, may **not** be counted as **required** open space, ~~provided the lands also satisfy the other characteristics of open space set forth herein and shall be protected by the proposed development plan. Development alterations of any sensitive lands shall be prohibited except as allowed and defined elsewhere in this Title.~~

Sensitive Lands and Open Space

Sheet1

Acres of Sensitive Land (100 Acre Parcel)	<u>0</u>		<u>25</u>		<u>50</u>		<u>75</u>		<u>100</u>	
<u>Count as Open Space</u>	<u>Units</u>	<u>U/A</u>	<u>Units</u>	<u>U/A</u>	<u>Units</u>	<u>U/A</u>	<u>Units</u>	<u>U/A</u>	<u>Units</u>	<u>U/A</u>
100.00%	250	5	190	4	130	2.6	70	2.8	0	0
75.00%	250	5	190	4.3	130	3.4	70	3.7	0	0
50.00%	250	5	190	5	130	5.3	70	5.5	0	0
25.00%	250	5	190	6.3	130	10	0	0	0	0
0.00%	250	5	190	7.7	0	0	0	0	0	0

Possible Scenarios with the Code Change

- 100 acre parcel
- 0 acres of sensitive land
- R-1-15 zone (2.5 units per acre)
 - 250 units
- 100% of sensitive lands can be counted as open space
- 250 units on 50 acres
 - .2 acres per unit
 - 5 units per acre
- 100 acre parcel
- 25 acres of sensitive land
- R-1-15 zone (2.5 units per acre)
 - 190 units
- 100% of sensitive lands can be counted as open space
- 190 units on 50 acres

- 70 units on 0 acres
 - 0 acres per unit
 - 0 units per acre
- 100 acre parcel
- 100 acres of sensitive land
- R-1-15 zone (2.5 units per acre)
 - 10 units
- 25% of sensitive lands can be counted as open space
- 10 units on 0 acres
 - 0 acres per unit
 - 0 units per acre
- 100 acre parcel
- 0 acres of sensitive land
- R-1-15 zone (2.5 units per acre)
 - 250 units
- 0% of sensitive lands can be counted as open space
- 250 units on 50 acres
 - .2 acres per unit
 - 5 units per acre
- 100 acre parcel
- 25 acres of sensitive land
- R-1-15 zone (2.5 units per acre)
 - 190 units
- 0% of sensitive lands can be counted as open space
- 190 units on 25 acres
 - .13 acres per unit
 - 7.7 units per acre

Potential Amendment

- 50% of sensitive lands may be counted as required open space
- Any property that 50% or more of the acreage is sensitive lands then all sensitive lands may be counted as open space

Possible Findings

- Preserving open space is a main goal of the community
- Allowing only a percentage of sensitive lands to be counted as open space will assure that some non-sensitive land is counted open space
- Density will not reduce because of this change but it will require more clustering of the units

Motion: Commissioner Whitney: I make a motion that we recommend approval of amending the City's land use ordinance of open space requirements and sensitive lands. If the total acreage has 0 – 50% sensitive lands, 50% may be used as open space and if the total acreage is 50 –

100% sensitive lands 75% may be used as open space.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners Cliften, McKeon, Ream, Wardle, Whitney, Garland and Simons

Motion: Passed

Item 6:

Midway City is proposing an amendment to Section 16.22 Wireless Communications of the Midway City Municipal Code. The proposed amendment would outline criteria for minimizing the visual impact of wireless communication facilities through their design and locating.

Planner Robinson gave presentation.

Proposal Background

Staff is proposing a code text amendment to Section 16.22: Wireless Telecommunications, that will regulate the design of, installation, maintenance, operations and use of wireless telecommunication facilities and related improvements within the city. Midway City wants to promote the vision, goals and objectives as described in the General Plan. This includes the look and feel of the entire community through thoughtful planning of infrastructure. The design and construction of wireless telecommunication facilities can greatly impact the aesthetic and feel of the community, so design standards should be carefully considered.

Proposed Code Language (Red Text is Proposed Changes)

16.22.2 - Definitions

- A. *Stealth Tower Design.* Man-made trees, clock towers, bell steeples, light poles and similar alternative design- mounting structures that camouflage or conceal the presence of antennas or towers.
- J. *Tower.* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, *stealth tower design*, and the like. The term also includes the structure and any support thereto.

16.22.4 - General Requirements

D. Aesthetics towers and antennas shall meet the following requirements:

- 1. All wireless telecommunication towers shall be constructed using stealth tower design.***
- 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.***

3. *If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.*
4. *All towers shall be self-supporting. Guyed and lattice towers are not allowed.*

Possible Findings

- Federal and State requirements require the city to adopt a code if the city wishes to regulate wireless telecommunication facilities
- The General Plan promotes careful consideration of improvements along Main Street and in the entire community
- The City can establish reasonable design standards
- Telecommunication facilities benefit residents, tourists, and businesses in Midway

Motion: Commissioner Ream: I make a motion that we recommend approval to amend Section 16.22 - Wireless Telecommunications of the Midway City Municipal Code. The proposed amendment would outline criteria for minimizing the visual impact of wireless telecommunication facilities through their design and locating.

Seconded: Commissioner Garland

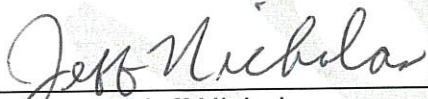
Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners Cliften, McKeon, Ream, Wardle, Whitney, Garland and Simons

Motion: Passed

9:30 pm



Chairman – Jeff Nicholas

Admin. Assistant – Melannie Egan