

**MINUTES OF THE  
MIDWAY CITY COUNCIL  
(Work Meeting)**

**Tuesday, 5 October 2021, 5:00 p.m.  
Midway Community Center, City 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 5:12 p.m. She excused Council Member Drury.

**Members Present:**

Celeste Johnson, Mayor  
Steve Dougherty, Council Member  
Lisa Orme, Council Member  
Kevin Payne, 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:**

Jeff Drury, Council Member

**Note:** A copy of the meeting roll is contained in the supplemental file.

**2. Internal Accessory Dwelling Units / Discussion** (City Planner – Approximately 60 minutes) – Discuss amending Title 16 (Land Use) of the Midway City Municipal Code regarding internal accessory dwelling units.

Corbin Gordon gave a presentation regarding internal accessory dwelling units (IADUs) and reviewed the following items:

- State preemption
- Items that local governments could regulate
- Separate water meters
- Appearance of the primary dwelling
- Additional on-site parking
- Replacement parking for an IADU in a garage or carport

- Motor homes
- Permits or licenses
- Prohibiting in no more than 25% of the overall area in the City
- Failure of a septic system
- New versus existing houses

Mr. Gordon also made the following comments:

- The City could not require additional water rights for an IADU.
- It could not limit the number of occupants.
- Only one IADU was allowed per house.
- Rent for IADUs could not be restricted.
- IADUs could not be required to connect to the sewer system.

Michael Henke indicated that IADUs had to be in a house on a lot that was 6,000 square feet or larger. He added that this precluded them being in PUDs.

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

- The intent of the State Legislature should be understood. They were trying to give local governments some options with IADUs.
- Owners of existing houses rather than developers would request IADUs. This would help them make a little extra money.
- Would it be a problem if the City did not address IADU's?
- Could a homeowner get credit for water rights that they did not turn in?
- IADU's should not encourage large houses.
- Few local governments would require a second water meter for an IADU. Second water meters should be prohibited so that homeowners did not request them.
- The appearance of a house was hard to define and enforce.
- New houses had more freedom to install IADUs because their footprint could be increased during design.
- Could someone build a second residence if it was attached to the primary residence?
- The appearance of a house depended upon the vantage point.
- The state legislator that sponsored the bill did it to allow use of an open part of a house and to provide additional housing. He did not want to allow additional parking but included it as a compromise.
- Should there be a checklist to determine if an IADU was really a duplex?
- Only the appearance of historic houses should be regulated.
- Could the appearance of a house with an IADU change over time?
- Only one IADU and one house were permitted per lot.
- Motorhomes could be a safety hazard if they used generators, etc.
- It was important to track IADUs.
- An overlay district could be created to limit the location of IADUs. This would be difficult to administer.

The Council was divided on regulating the appearance of houses with IADUs. It agreed on the following restrictions:

- Additional parking should be required.
- Motorhomes should be allowed if they were not a safety hazard.

- Licensing should be required.
- IADUs should not be prohibited in certain areas of the City.
- An IADU should not be allowed if the septic system was failing.

### 3. Adjournment

**Motion:** Council Member Payne moved to adjourn the meeting. Council Member Dougherty seconded the motion. The motion passed unanimously.

The meeting was adjourned at 6:03 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder