



**Midway**

**PLANNING COMMISSION MEETING STAFF REPORT**

**DATE OF MEETING:** August 9, 2022  
**NAME OF APPLICANT:** Midway City  
**AGENDA ITEM:** Code Text Amendment of Section 16.15.8.C

**ITEM: 9**

Midway City is proposing a code text amendment of Section 16.15.8.C: Resort Zone Landscaping Bond. The proposed code will clarify that a landscaping bond, separate from the construction bond, is required for resort development.

**BACKGROUND:**

Midway is proposing a code text amendment to the Midway Municipal Code. The proposed change would be specific to the Resort Zone section, specifically Section 16.15.8.C. The proposed language would explain the existing requirements for landscape bond by clarifying that the landscape bond is separate from the construction bond. This is an important issue that has been discussed recently by the City Council and staff. In the past, landscaping was included in the construction bond, but because of construction completion timing issues, it is important that the landscape bond is separate from the construction bond. The infrastructure for a development is completed well before the landscaping is completed, and because of State law requirements when bonding must be released, it is important that the landscaping bond is held longer than a construction bond is held. In many cases, the landscaping for a development is finished years after the construction warranty bond has been released. The proposed language is the following:

### **16.15.8 Completion and Recordation**

*C. Landscaping Bond. Before recording any Subdivision Plat or Condominium Record of Survey of Map, a bond equal to 110 percent of the cost for construction and completion of the landscape plan shall be posted in accordance with requirements established, from time to time, by the City Council. ~~The Landscaping Bond can be posted as a designated part of the Construction Bond.~~*

Staff feels the proposed change will allow administrating the code to be much simpler and allow for better landscaping results in resort development common areas and open spaces.

#### **POSSIBLE FINDINGS:**

- The proposed code amendment will allow for better landscaping results in resort development common areas and open spaces.
- The proposed adjustment will allow administrating the code to be much simpler.
- Landscape and construction bonds must be posted separately before a plat is recorded.

#### **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 for 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