

Midway City Planning Commission Regular Meeting Minutes December 14, 2021

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., December 14, 2021, at the Midway City Community Center 160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas- Chairman
Rob Bouwhuis- Vice Chair
Andy Garland
Laura Wardle
Bill Ream
Heather Whitney
Rich Cliften (Zoom)

Staff

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

Excused

Jon McKeon
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 Rob Bouwhuis
 - Chairman Nicholas led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of November 9, 2021, with the changes given to Melannie Egan.

Motion: Commissioner Garland: I make a motion that we recommend approval of the minutes for November 9, 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: Bouwhuis, Garland, Wardle, Ream, Whitney and Cliften

Nays: None
Motion: Passed

Item 2: Meeting Schedule

January 11, 2022
February 8, 2022
March 8, 2022
April 12, 2022
May 10, 2022
June 14, 2022
July 12, 2022
August 9, 2022
September 13, 2022
October 11, 2022
November 8, 2022- Election Day
December 13, 2022

Motion: Commissioner Ream: I make a motion that we recommend approve the Planning Commission Meeting Minutes of November 9, 2021, with the changes given to Melannie Egan.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion? None

Chairman Nicholas: All in favor.

Ayes: Commissioners: Bouwhuis, Garland, Wardle, Ream, Whitney and Cliften

Nays: None

Motion: Passed

Item 3:

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 a 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.

Proposal History

- Item presented and discussed with PC on 10/12 and 11/9

- Topic presented and discussed with CC in work meeting on 10/19
- Options for tonight:
 - Recommend approval of setbacks as proposed
 - Recommend approval of setbacks that differ from what is being proposed
 - Recommend no change
 - Continue with additional guidance on adjustments to be made

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 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:

	Front	Secondary Frontage (Corner Lot)	Side	Rear
R-1-7 Zone (min. 70' frontage)	30'	30'	10'	30'
R-1-9 Zone (min. 90' frontage)	30'	30'	10'	30'
R-1-11 Zone (min. 100' frontage)	30'	30'	12'	30'
R-1-15 Zone (min. 100' frontage)	30'	30'	12' (10')	30'
R-1-22 Zone	40' (30')	40' (30')	15' (12')	40'* (30')

(min. 115' frontage)				
RA-1-43 Zone (min. 150' frontage)	50' (30')	50' (30,)	20' (14')	50' (30')

*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:

<u>Zone</u>	<u>Front</u>	<u>Secondary Frontage (Corner Lot)</u>	<u>Side</u>	<u>Rear</u>
R-1-7 Zone	40'	40'	<20' in height, minimum 10' setback ≥20' in height, minimum 25' setback	30'
R-1-9 Zone	40'	40'	<20' in height, minimum 10' setback ≥20' in height, minimum 25' setback	30'
R-1-11 Zone	40'	40'	<20' in height, minimum 12' setback ≥20' in height, minimum 27' setback	30'
R-1-15 Zone	40'	40'	<20' in height, minimum 12' setback ≥20' in height, minimum 27' setback	30'
R-1-22 Zone	50'	50'	<20' in height, minimum 15' setback ≥20' in height, minimum 30' setback	40'
RA-1-43 Zone (Exist)	60'	60'	<20' in height, minimum 20' setback ≥20' in height, minimum 35' setback	50'

*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.

Existing Accessory Buildings Setback Matrix:

<u>Zone</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
R-1-7 Zone (min. 70' frontage)	30'	10' or 3'	10' or 2'

R-1-9 Zone (min. 90' frontage)	30'	10' or 3'	10' or 2'
R-1-11 Zone (min. 100' frontage)	30'	10' or 3'	10' or 2'
R-1-15 Zone (min. 100' frontage)	30'	10' or 3'	10' or 2'
R-1-22 Zone (min. 115' frontage)	30'	12' or 3'	10' or 2'
RA-1-43 Zone (min. 115' frontage)	30'	14' or 3'	10' or 2'

State Code Limitation on Code Applicability:

Adopted 2021 Legislative Session, Effective 5/5/2021

10-9a-509 - Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule.

(4)

(a) **Except as provided in Subsection (4)(b), for a period of 10 years after the day on which a subdivision plat is recorded, a municipality may not impose on a building permit applicant for a single-family dwelling located within the subdivision any land use regulation that is enacted within 10 years after the day on which the subdivision plat is recorded.**

(b) Subsection (4)(a) does not apply to any changes in the requirements of the applicable building code, health code, or fire code, or other similar regulations.

16:13:17 Exception To Front and Side Setback Requirements:

The setback from the street for any dwelling located between two existing dwellings in any residential zone may be the same as the average for the said two dwellings, provided the existing dwellings are on the same side of the street and are located within 150 feet of each other. However, no dwelling shall be located closer than 20 feet from the street

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.

Commissioners and Staff Comment

Rob Bouwhuis stated that the Primary use of an accessory building is a garage. It does create a big problem for access.

There was a discussion about the height of a garage that was 25 feet it would be able to have a bay that could support an RV, the pitch of the roof.

Heather Whitney likes the height restriction of an accessory building at 25' but wants volume and footprint to be looked at as well. She wants to look and act on the front setbacks before we tackle accessory buildings. She feels that it is too complicated to do it all in one motion.

There was a discussion about the exceptions to fronts and backs and the impact on some homes being staggered from other existing homes.

Jeff Nicholas thinks that the accessory buildings are the most important.

Bill Ream doesn't want tuff sheds to be gone. Michael explained that the main idea is that we want the tuff shed for many reasons, they are not tall and do not obstruct views like a taller accessory building could.

Jeff Nicholas thinks the setback for accessory structures is too extreme.

Heather Whitney likes the idea of matching the sides and the rear being the same.

There was a discussion about variances. Michael Henke explained the variance code.

Larger the zone the bigger the setbacks.

3 foot setbacks are too narrow

Side setbacks should match the main building

Stepping out the height and increasing the setback according to height

Have the accessory structure to be 10 feet back from the front of the house

Regarding corners, Heather Whitney would like to have the property owner be able to choose which street would be considered.

Andy Garland is in favor of the larger setbacks

Jeff Nicholas likes consistency of the setbacks on corners.

Main Dwelling: Adjust the astrik* just on the rear for the sunflower scenario. Agreeing with the the chart.

Accessory Dwelling:

Front Setbacks: Good with a note that the setback must be 10 feet behind the main

Corner Lots: There was a long discussion regarding the setbacks for corners. It was mixed

Rear: Mirror the rear with the side setbacks

Motion: Commissioner Bouwhius: I make a motion that we recommend approval of 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. That we accept staff findings and that we modify the main dwelling setbacks as proposed, with the 50' for the RA-1-43 for the secondary frontage as in the staff packet. The exception for R-22 and RA-1-43 for the rear setback be stated that if it would leave less than 45' building depth for the buildable area from front to back that they would be able to reduce the rear setback in order to obtain a 45' building depth, but in no case can the rear setback be less than 30'. Accessory structure front setbacks are modified to be 10' behind the main dwelling, the secondary frontage would remain as proposed. That the side and rear setbacks are the same, allowing for a 20' structure height at the minimum setback and increasing at a 1 to 1 ratio as the setback increases over the minimum required side and rear setbacks. On properties with an existing dwelling, the accessory structure side setback could match the side setback of the existing dwelling but could not be less than what is currently allowed in the code. Add a 5' setback for the tuff shed type structure exception.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion? It was clarified that there would a chance for a public hearing at the city council meeting.

Chairman Nicholas: All in favor.

Ayes: Commissioners Ream, Bouwhius, Wardle and Garland

Nays: Whitney and Clifton

Motion: Passed

Heather Whitney left the meeting

Item 4:

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.

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

Zone	PUD Density	Standard Subdivision Density
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 and 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'
- Open space on periphery setbacks also counts even if less than 100' (minimum setback is 60')
- Adjusting the open space requirement may require more clustering
Maximum of 4 units are allowed in a building

Structure Spacing

- There is no required distance between structures
- The International Building Code requires fire walls for all structures within 10' of each other
- If a minimum distance is required:
 - Potentially more units would be attached
 - Developers would lower density to create premium units

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.

10 Acres Minimum

- 10 acres are required for each PUD
- Acreage could be lowered to allow more opportunities for PUDs
- Acreage could be increased to decrease opportunities for PUDs

40 Unit Minimum

- 40 units are required for each PUD
- Number of units could be lowered to allow more opportunities for PUDs
- Number of units could be increased to decrease opportunities for PUDs

Building Pad Footprint Limitation

- There is not a limit on building pad size
 - Setbacks and open space are limitations on building pad size
- Limiting building pad size will help assure dwellings match the vision described in the General Plan

Building Pad Footprint Limitation

- Valais Phase 2
 - $46 \times 59 = 2,714$ sq. ft.
 - $64 \times 55 = 3,520$ sq. ft.
 - Average: 3,117 sq. ft.
 - Remund Farms Phase 2
 - $68 \times 48 = 3,264$ sq. ft.
 - $68 \times 63 = 4,284$ sq. ft.

Average: 3,774 sq. ft.

Planned Performance Development

- Create a code where density is rewarded if developers create amenities that are optional
- Some grading items are quantitative
- Some grading items are qualitative
 - Subjective

Amenity ¹	RA-1 ²	Staff grade	Planning Commission grade
Base Density ³³	1 ERU for every 1.3 net ¹² acres	72.43/1.3 = 55 units	
30% open space preserved (for public or private use as determined appropriate by the Planning Commission and County Council)	Required (on large scale developments over 15-acres)	N/A	
10% usable open space w/in 30% ⁴	1-10%	10%	
Extra (above the 30% requirement) unusable Open Space (over 30% or in flood way) ⁵	1-10%	0%	
Public Trails provided (that exceeds minimum requirements)	1-5%	0%	
Extra usable Open Space for public use ⁶	1-5%	0%	
Improving public open space with public amenities ⁷	1-15%	0%	
Dedication or Building of Large Civic Site ⁸	1-20%	1%	
Quality and Quantity of landscaping	1-10%	8%	
Good streetscape design ⁹	1-10%	7%	
Allowing large animals as part of the development agreement ¹⁰	1-2%	0%	
Fee-in-lieu (open space) ¹¹	1-30%	N/A	
Total	Not to exceed 1 unit per net ¹² acre	26%	

Proposed Revisions

- The setbacks around the periphery of the PUD have been increased from 60' to 100'.
- The maximum building pad in a PUD is limited to 3,000 square feet.
- A limited common area of a maximum of 750 square feet will be allowed for

- improvements that include pergolas, decks, covered decks, hot tubs, courtyards, etc.
- Hard surface areas of streets and parking would not count as density qualifying acreage. Open space areas would need to be 150' to count as required open space, except for the peripheral property line setback area which will be counted as open space.
- Areas that count as open space will increase from 100' to 150'.

Possible Findings

- The proposed amendments will help fulfill goals in the general plan such as creating openness in the PUD and using smart growth planning tools such as clustering.
- Building pad area will be limited which in turn will limit the size of dwellings.
- Setbacks will increase to create more buffer around the periphery of PUDs from units in the PUD to surrounding properties.
- Areas that qualify as required open space will increase in width to create more openness in the PUD.

Commissioners and Staff Comment

There was a conversation regarding the open space and density based off gross square footage. By eliminating that paragraph would help.

There is no requirement to have the open space in the interior. The new code would force the developer to cluster further into the property and it create the open space on the outside of the property and within the PUD itself.

Setbacks- Pushes the open space on the outside of the PDU and not within.

Building Pad-Rich-Limiting the total square footage of the house (footprint) to be 750 square feet to be left open for improvements that include pergolas. Decks. Covered decks, hot tubs, courtyards, etc.

Bill- Limiting the total square footage of the house (footprint) not the pad

Rob- Limiting the total square footage of the house (footprint) not the pad

Motion: Commissioner Bouwhuis: I make a motion that we recommend approval 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. We accept staff findings with the changes that are outlined in the staff report, with the following changes to Item 16.16.8 (7) on the side and the rear of the building pad, a minimum area of 750 square feet on each building pad to be left outside of the buildable area footprint and left open for improvements that include pergolas, decks, covered decks, hot tubs, courtyards, and other similar type features. This area does not include any enclosed living space. The maximum covered area of no more than 15' in height, measured from natural grade. 16.16.10 Item B- to be ended the section at open space. Item F to be eliminated. Add a public amenity or structure such as a bus stop can be placed in the 100-foot setback.

Add a definition of overall square footage, overall square footage used to calculate density and open space shall be the area of the entire site, minus the sensitive lands area that reduce density

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Bouwhuis, Wardle, Garland and Cliften

Nays: None

Motion: Passed

Item 5: This item was skipped due to time constraints

Midway City is proposing an amendment to Section 16.13: Supplementary Requirements in Zones of the Midway City Municipal Code. The proposed amendment would regulate internal accessory dwelling units.

Item 6:

Midway City is proposing an amendment to Section 16.18: Rural Preservation Subdivision of the Midway City Municipal Code. The proposed amendment would not allow some sensitive lands, including sloped areas, to count towards allowed density for Rural Preservation Subdivisions.

Planner Robinson gave a presentation.

Proposal Background

Section 16.18 of the land use code allows certain parcels in residential zoning districts to be developed as Rural Preservation Subdivisions. Planning staff is proposing amendments to a few subsections of section 16.18 in order to clarify and enhance requirements for developing property.

Proposed Amendment #1 Section 16.8.5- Density and Lot Size

A maximum density of one dwelling unit per five (5) acres of the original development parcel is allowed. When calculating the allowable density, the developable acreage shall only consist of all areas within the development parcel with a slope less than 25%. Each lot is permitted one (1) dwelling unit. Clustering of lots is permitted if each lot complies with the minimum lot acreage for the zone in which it is located.

Proposed Amendment #2 Section 16.18.17- Permitted Uses

16.8.5 Density and Lot Size

16.18.17 Permitted Uses

The principal use permitted in the Rural Preservation subdivision is one residential living unit. Living area in accessory structures is allowed as outlined in this title. No living space (kitchen, bedrooms, and full bathrooms) is allowed in any accessory structures. Other uses are permitted as allowed by the zoning regulations governing the zone in which the lot is located

Proposed Amendment #3 Section 16.18.18- Standards and Requirements and 16.18.16 Setbacks

16.18.18 Standard and Requirements

D. Dwellings and permitted structures shall be located to best comply with the intent of this Ordinance and shall meet the following standards:

1. The following streets shall require a minimum 50-foot setback for all structures, and should be noted on the plat:

- i. Burgi Lane;
- ii. River Road;
- iii. Pine Canyon Road;
- iv. Homestead Drive;
- v. Michie Lane, east of Center;
- vi. Center Street, south of Main Street (SR 113);
- vii. Tate Lane;
- viii. Stringtown Road;
- ix. 200 North, west of 200 West.
- x. Cari Lane
- xi. 500 South
- xii 600 North

16.18.16 Setbacks

Setbacks for all structures must comply with the requirements for the zone in which the lot is located and the setbacks noted in 16.18.18.D.

Proposed Amendment #4 Section 16.18.7

16.18.7 Open Space Remnant Parcels

No remnant parcels shall be created because of an application for a Rural Preservation Subdivision. All portions of an existing parent parcel must be included in the Rural Preservation Subdivision plat, unless it qualifies for one of the following exceptions:

1. If the excess property meets the zoning requirements and can be developed through a separate subdivision process, then it does not need to be included in the Rural Preservation Subdivision plat. The request for both subdivision proposals must proceed through the approval process together and the plats must be recorded in succession so that a new remnant parcel is not created.
2. The excess property may be legally attached to an adjacent parcel. Proof of the new property description may be requested to demonstrate the transfer of the property.

Possible Findings

- The proposed adjustment would preclude slopes of 25% or greater being counted towards the developable acreage of a property
- Reducing density is supported by the General Plan
- The proposed adjustments would ensure that accessory structure requirements are consistent with other sections of the land use code
- The proposed adjustments would require a 50' structure setback from certain roads, which is supported by the general plan
- The proposed adjustments would clarify that creating a rural preservation subdivision should not result in the creation of a non-conforming parcel

Public Comment Open

None

Public Comment Closed

Commissioners and Staff Comment

There was a discussion clarifying #2 stating that the accessory structure will not be creating an Internal Accessory Dwelling Unit.

Rob Bouwhuis wanted to have a 50-to-100-foot setback instead of just 50 feet as these are large lots to begin with. It was agreed that this is a good observation and keeps the rural feel.

Motion: Commissioner Bouwhuis: I make a motion that we recommend approval of an amendment to Section 16.18: Rural Preservation Subdivision of the Midway City Municipal Code. The proposed amendment would not allow some sensitive lands, including sloped areas, to count towards allowed density for Rural Preservation Subdivisions. Accept staff findings and accept the revisions in the report with the following changes. 16.8.5 change to developable acreage to say density qualifying acreage and that we exclude wetlands and slope. 16.18.18 the 50' setback be changed to a 100' setback. 16.18.7- Item 2 the language be changed to have more definitive language such as "shall".

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Bouwhuis, Wardle, Garland and Cliften

Nays: None

Motion: Passed

Item 7: This item was skipped due to time constraints

Midway City is proposing an amendment to Section 16.24: Enforcement and Zoning Violations of the Midway City Municipal Code. The proposed amendment would modify regulations for certificates of zoning compliance.

Item 8: This item was skipped due to time constraints

Review required State and Midway noticing requirements for land use applications.

Adjournment

Motion: Commission Garland

Second: Commissioner Ream

10:10pm



Chairman – Jeff Nicholas



Admin. Assistant – Melannie Egan

APPROVED

