

**Midway City Planning Commission Regular Meeting
Minutes September 14, 2021**

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

Attendance

Jeff Nicholas- Chairman
Andy Garland
Rob Bouwhuis- Vice Chair
Rich Cliften
Bill Ream

Staff

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

Excused

Jon McKeon
Laura Wardle
Heather Whitney
Craig Simons

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Inyocation was given by Rich Cliften
 - Chairman Nicholas led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of August 10, 2021.

Motion: Commissioner Garland: I make a motion that we recommend approval of the minutes for August 10, 2021, with the changes that were given to Melannie Egan.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Cliften, Garland and Nicholas

Nays: None

Abstained: Rob Bouwhuis

Motion: Passed

Item 2:

Brandon Nielson, agent for Dan and Annette Swainston, is proposing a General Plan Amendment to amend the Midway City's Road System Master Plan. This proposal would remove the future planned 100 South Road from 300 West to 400 West through parcel 06-3771.

Planner Henke gave a presentation

General Plan Amendment

- Remove the planned 100 South from the Road System Master Plan (300 West-400 West)
 - Applicant is offering low density on the property if road is removed
- Legislative action
 - The city is under no obligation to modify the map

Developer Proposal

- The developer is proposing a low-density development in return for the removal of the required 100 South
 - Maximum of one lot would be created on the five-acre parcel
 - Property would be deed restricted to one dwelling
 - Property is zoned R-1-9
 - Potentially 20 single-family dwelling lots could be created on the five-acres
 - Possibly 15 duplex lots could be created for a total of 30 dwelling units

General Plan Considerations

Open Space and Rural Atmosphere

- General Plan promotes:
 - Preserving open space
 - Preserving a rural atmosphere
 - Reducing density whenever appropriate

Connectivity

- General Plan promotes:
 - Preserving open space
 - Preserving a rural atmosphere
 - Reducing density whenever appropriate

Items of Consideration

- How important is 100 South?
- Do we need to have a connecting road in this area?
- How is local traffic, emergency services, and future road construction detours impacted if

the road is removed? How does this impact the community for the short-term and at full build out when Midway's population and traffic counts could be double or more?

- Open space and a rural atmosphere are important but are they important enough on a 5-acre parcel to eliminate the planned road?
- Eliminating the road could possibly reduce potential density from 30 dwellings to one dwelling. Does this make the proposal more acceptable?

Possible Findings

- Findings supporting the amendment:
 - Potential density could be reduced if the road is removed.
 - Goals in the General Plan promote open space and a rural atmosphere.
 - The General Plan promotes reducing density whenever appropriate.
- Findings supporting the amendment:
 - Potential density could be reduced if the road is removed.
 - Goals in the General Plan promote open space and a rural atmosphere.
 - The General Plan promotes reducing density whenever appropriate.
- Findings opposing the amendment:
 - The road has been planned since 1977 and even back to the 1800s.
 - With less connecting roads, more traffic is forced on to the existing roads which compounds as Midway grows.
 - Goals in the General Plan promote connectivity for local traffic circulation and emergency response.
 - More connectivity allows for options for detours when roads are under construction.

Recommended Condition

- The General Plan amendment is conditioned that the Road System Master plan is not amended until the plat for the one lot subdivision and the deed restriction are both recorded. If the one-lot subdivision is not recorded, then the Road System Master Plan will not be amended, and 100 South will remain as part of the General Plan.

Commissioners and Staff Comment

There was a discussion of about 400 West as a continuous road. Michael stated that it is important for the planning commission when they start looking at the General Plan. Wes stated that he was in agreement with Michael's presentation.

Michael stated that this is a good area for low density and having it so close to Main Street and that makes the area special.

There was a discussion about making this area into the RA-1-43. Michael stated that it would be good to discuss it, but it could have repercussions and would need to be looked into further.

Public Hearing Open

Grant Hawkes- 695 E Main Street. Brandon, Grant's brother is the applicant could not be here, he is out of the country. He hopes that the plan is approved.

Darren Zwick- Parcel #00-0006-3979- approves the removal of the road. He owns a parcel to the south and plans on someday having two homes. He does not want the density near his future homes.

Nanette Probst-400 West and Main Street- She would be very unhappy with 20 homes and would consider leaving Midway. She supports the removal of the road.

David Clen- 536 W- He and his wife are in favor of removing the road.

Aaron Simpson- 210 S 250 West- He is in support of the plan to remove the road.

Beth Carlson- 200 W 100 S- Is in favor of removing the road.

Jolyn Broadhead- 181 W 100 S- Is in favor of removing the road and would be very happy.

Dave Bolbo-300 W 100 S- Would not like to see a high-density project in the area and is in favor of removing the road.

Gordon Nielson- Address unknown but is south of the area and is working with George Hansen on a new Rural Preservation Subdivision and is in favor of removing the road.

Public Hearing Closed

Motion: Commissioner Cliften: I make a motion that we recommend approval of a General Plan Amendment to amend the Midway City's Road System Master Plan. This proposal would remove the future planned 100 South Road from 300 West to 400 West through parcel 06-3771. We approve the staff report and the one condition listed in the staff report.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Garland, Bouwhuis, Ream and Cliften

Nays: None

Motion: Passed

Item 3:

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. The proposed amendment would also add agriculture as a permitted use in all Midway City zones

Planner Robinson gave a presentation.

Proposed 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. It would add a new section 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. It would also add "agriculture" as a permitted use in all residential, commercial and resort zones. The proposed adjustments help promote the vision, goals and objectives as described in the General Plan.

Motion from July 13th Planning Commission Meeting

Motion: Commissioner Simons: I make a motion that we recommend continuing 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.)**

Proposed Code Language (Red text is the 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.*

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 the resort zone as well as in all residential, commercial zones.

Proposed Code Language (Red text is the proposed changes)

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.

agricultural Sales in Residential Zones

- b. 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 100 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 temporary structures and can only be erected during business hours. They must be removed at the end of each business day. 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: 8:00 AM to 7:00 PM, Monday through Saturday
 - 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.

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

Commissioners and Staff Comment

There was a discussion about having a tent or stand that is taken down every day? Andy Garland stated that he could put up an awning and wouldn't have to take it down every night?

There was a discussion about closing on Sunday. Rob Bouwhuis thinks that making someone close on Sunday as the visitors don't go away on a Sunday and not everyone observes Sunday.

Rob Bouwhuis stated that he was concerned that these stands could pop up everywhere in neighborhoods and could create complaints. Michael Henke stated that we could create the code and change or adjust it later if a problem crops up.

There was a discussion about selling honey as it is not a soil crop. Could they sell eggs if they have chickens. That as it is an animal product. Michael Henke stated that it would be a problem. He also stated that there is a farmers' market for that. He didn't have a problem with honey if the product was created on the property.

There was a discussion about having a season such as June 15 thru October 15. Keep the booth a temporary structure, anchored, and pass the inspection, along with keeping the structure sound and in good repair.

There was a discussion about how long a structure could be up. If you don't sell within a certain number of days than the structure must be taken down. Only have signage during business hours while they are actively selling and open.

Motion: Commissioner Ream: I make a motion that we recommend approval 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. The proposed amendment would also add agriculture as a permitted use in all Midway City zones. We also include the changes that were given to staff that was discussed in this meeting, included allowing honey and eggs to be sold, that products could be sold between June 15th and October 15th, the structure doesn't have to be taken down each day as long as they are selling produce, and signs can only be up while the booth is open for business.

Seconded: Commissioner Cliften

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Cliften, Ream and Garland

Nays: Bouwhuis- Because he doesn't believe we should restrict days.

Motion: Passed

Item 4:

Don Watkins of DPW Heber Inc., is requesting final 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

Waterboard 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.
- The duration of final approval shall be for one year from the date of final approval of the development by the City Council. Should a final plat not be recorded by the County Recorder within the one-year period of time, the development's approval shall be voided, and both preliminary and final approvals must be re-obtained, unless, on a showing of extenuating, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that: (a) construction must be conducted according to any new City standards in effect at the time the plat is ultimately recorded; (b) the property must be maintained in a clean, dust-free, and weed-free condition at all times; (c) each extension will be for a one-year period only, after which time an annual review must be presented before the City Council; and/or (d) no more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Proposed Conditions

1. Any outstanding 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.

Commissioners and Staff Comment

There was a short discussion on the lot with the pad. Take the building pad off and just use the setbacks and make sure they do not build in the easement that will be listed on the plat.

Motion: Commissioner Bouwhuis: I make a motion that we recommend 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 approve the staff finding and the proposed conditions that are outlined in the staff report. Remove the building pad on lot 29.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Cliften, Ream, Bouwhuis and Garland

Nays: None

Motion: Passed

Item 5:

Berg Engineering, agent for Jordan Law, is proposing preliminary approval of the Mill Canyon Farms subdivision. The proposal contains four lots on 10.16 acres. The property is located 850 South 250 West and is in the R-1-22 zone.

Planner Robinson gave a presentation.

Land Use Summary

- R-1-22 Zone
- Four Lot Standard Subdivision
- 10.16 Acres
- Frontage along Street Lane (250 West) and dedication of ROW for the extension of 970 South
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line
- There appear to be sensitive lands on the property which include the FEMA floodplain for Snake Creek

Waterboard Recommendation

The water board meeting for September has been cancelled due to the Labor Day holiday. Planning staff has told the applicant that they will not be able to proceed to a city council meeting until they receive a recommendation from the water board.

Possible Findings

- The proposal does meet the intent of the General Plan for the R-1-22 zone
- The proposal does comply with the land use requirements of the R-1-22 zone
- 1.53 acres of open space must be created as part of the development, which will be noted on the plat and restricted from future building or development.
- The applicant will dedicate the remaining portion of the right-of-way needed for 250 West (Street Lane)
- The applicant will be dedicating a 15' trail easement along the future 970 South right-of-way and along the Snake Creek channel
- 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. Must provide a will serve from Midway Irrigation before applying for final approval.
2. Distribution lines along 250 West will need to be buried along entirety of the project frontage.
3. Must show the ditch easement on the plat.
4. Must have a recommendation from the water board before being considered by the city council.

5. The applicant will dedicate a 20' trail easement along Snake Creek and a 15' trail easement along the north side of the 970 South right-of-way. They will also construct an 8' asphalt trail in the 970 South right-of-way, connecting 250 West to Stringtown Road.

Commissioners and Staff Comment

There was a discussion about building the 970 South Road all the way through to Stringtown Road. Michael Henke explained about impact fees and dedication. He also explained that the area to the far west and it would need to be addressed with the owner or future owner and there is a possibility that the city could use eminent domain.

There was discussion regarding the planned trails. Rob would like to show a 20' easement area to have some flexibility on the alignment to help with lining up future trails to the north and south. Michael Henke stated that we did that with the Howland Subdivision, and we could work with Paul Berg and the property owner, but it is doable.

Jordan Law has agreed to pave the road and accessible and they would make sure that no motorized vehicles could use it.

Wes Johnson wanted to public state that Paul Berg and the Applicant, Jordan Law have been awesome to work with. They have gone over and above with some of the things they have been willing to do, such as burying the distribution lines, which is not required among other things.

Motion: Commissioner Bouwhuis: I make a motion that we recommend preliminary approval of the Mill Canyon Farms subdivision. The proposal contains four lots on 10.16 acres. The property is located 850 South 250 West and is in the R-1-22 zone. We accept all staff findings and conditions 1 through 5. With the a slight adjustment on condition 5 that they change the trail easement to 20 feet.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Cliften, Ream, Bouwhuis and Garland

Motion: Passed

Item 6:

Brian Balls, agent for Steven Eddington, is proposing preliminary/final approval of the Eddington subdivision. The proposal contains one lot on five acres. The property is located at approximately 780 West 500 South and is in the RA-1-43 zone.

Land Use Summery

- RA-1-43 Zone
- Small Scale Subdivision- One building lot
- 5 Acres
- The lot will be serviced by an on-site septic system, Midway City's culinary water line,

and Midway Irrigation Company's secondary water line

Waterboard Recommendation

5-acre parcel (217,800 sq. ft.)

- Impervious area for lots
 - 0.18 acres (1 x 8,000 = 8,000 sq. ft.)
- Irrigated acreage
 - 4.82 acres x 3 = 14.46-acre feet

1 culinary connection

- 0.8-acre feet

15.25-acre feet requirement

Possible Findings

- The proposed lots do meet the minimum requirements for the RA-1-43 zoning district
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district
- The subdivision will contribute to the master trails plan by adding funds the general trails fund that will be used to help accomplish the master trails plan
- The applicant will be required to install or bond for all unfinished improvements previous to the plat being recorded
- The duration of Preliminary/Final Approval shall be for one year from the date of approval of the development by the City Council. If the Final Plat is not recorded with the County Recorder within the one-year period of time, the development's approval shall be voided, and both Preliminary and Final Approvals must be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Possible Conditions

1. Prior to the recording of the plat, the applicant will need to contribute \$9,803 to construct the 8' detached asphalt public trail to the general trails fund so that the trail can be completed in the future as part of a larger improvement project that will complete the trails along 500 South.
2. An approval letter from the Wasatch County Health Department regarding the septic system, must be provided before the item is added to a future city council agenda.
3. The applicant will need to provide a will serve letter from Midway Irrigation Company before it is added to a future city council agenda.
4. The applicant will be required to bring the culinary water line to their west property line in 500 South.
5. A fire hydrant will need to be located within 600' of the future dwelling, measured by the route of a fire hose from the fire hydrant to the future home site.

Commissioners and Staff Comment

It was explained that the fire marshal is willing to stretch the fire hydrant to 600 feet from 500

feet to promote the rural preservation.

There was a discussion about the amount of water that has to be turned over. Wes Johnson explains the calculation and agreed that it was a lot of water. And tie the water rights to the property so the water always stays with the property

Motion: Commissioner Ream: I make a motion that we recommend preliminary/final approval of the Eddington small subdivision. The proposal contains one lot on five acres. The property is located at approximately 780 West 500 South and is in the RA-1-43 zone. We accept the staff findings and the five conditions that are listed in the staff report. Noting that the dollar amount has been changed to condition one.

Seconded: Commissioner Cliften

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Cliften, Ream, Bouwhuis and Garland

Motion: Passed

Item 7:

Wayne Gordon, agent for Bill Nibley, is requesting approval of a conditional use permit that would allow a mixed-use development on the Daybell Garage property. The proposed mixed use would consist of a restaurant and a residential unit. The property is located at 298 South Center Street and is in the C-2 zone.

Planner Robinson gave presentation.

Land Use Summary

- **Overview:** Conversion of 1st floor to restaurant and addition of 2nd floor for residential unit
- 0.22 acres
- C-2 zoning
- 28' in height
- Currently accessible from both Center Street (UDOT) and Michie Lane.
- Property is connected to Midway City Culinary, Midway Sanitations sewer and Midway Irrigations secondary water line.

Waterboard Recommendation

5-acre parcel (217,800 sq. ft.)

- Impervious area for lots
 - 0.18 acres (1 x 8,000 = 8,000 sq. ft.)
- Irrigated acreage
 - 4.82 acres x 3 = 14.46-acre feet

1 culinary connection

- 0.8-acre feet

15.25-acre feet requirement

Possible Findings

- The proposed use is a conditional use in the C-2 zone.
- The proposal is consistent with the vision of the General Plan for Main Street.

Possible Conditions

1. Must have a recommendation from the water board before being presented to the City Council.
2. Must obtain a will-serve letter from Midway Irrigation Company before being presented to the City Council.
3. Must have approval from UDOT for existing access.
4. Before a building permit is issued, the applicant will need to address the items outlined in the Horrocks Engineering review letter dated 9/14/21.
5. The setback from the west property to the residential balcony must be a minimum of 10'.
6. Increase landscaped area at southeast property corner to help buffer parking and other uses from road.

Commissioners and Staff Comment

There was a discussion regarding the crosswalk at Center Street and 300 South. Wes Johnson explained that it was not a recognized school crosswalk by UDOT and that the cones are put there just as a safety measure. Sometimes various parents will monitor that crosswalk for some that use it. But the crosswalk that is supposed to be used is further to the north at Center Street and 100 South where there is a crossing guard.

Wes Johnson pointed out that the lines are quite possibly galvanized and needs to be looked at. Wayne Gordan agreed and will be looking into it, and it is on his radar.

Andy Garland is concerned about the drive thru, the crosswalk and about the hours of business extending further than what has historically been an 8 to 5. And he is also worried that this lot is too small of a space for type of mixed-use project.

There was a discussion about serving liquor. Michael stated that it would be a separate conditional use permit where the city council has broad discretion regarding it. Wayne Gordon stated that the applicants are not considering serving liquor at this time.

Rob Bouwhuis stated that the landscaping on the corner needs to be looked at carefully that it doesn't impede on the line of site requirements.

If the grease trap is not cleaned and vented, they could smell, Rob Bouwhuis stated. Wayne Gordan stated that he has been working with his engineer to make sure that it is built properly to eliminate that issue.

There was a mention about snow removal and Michael Henke agreed that it was a good question and would have to be looked at.

There was a long discussion about the parking, backing out and the possibility of having issues with a resident not being to get out of their dedicated parking spot because the drive thru window. Michael Henke and other commissioners stated that the drive thru may not be possible. Possibly move the south entrance to the east and move the two parking spaces to the west. It could possibly work much better. Wayne Gordon stated that he would study that and discuss with the applicant. It was again reiterated that the drive thru needs to be eliminated for this project to work.

Motion: Commissioner Garland: I make a motion that we recommend to continue the discussion of a conditional use permit that would allow a mixed-use development on the Daybell Garage property until the applicant address's the issues that were discussed in this meeting.

Seconded: Commissioner Clifton

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Clifton, Ream, Bouwhuis and Garland

Motion: Passed

Item 8:

Midway City is proposing an amendment to Section 16.13.35(L) Bed and Breakfast Establishments to the Midway City Municipal Code. This proposal will align language in City code with the language in State code.

Planner Robinson gave presentation.

Proposal Background

The purpose of this item is to amend the current ordinance for Bed and Breakfast Establishments (B&B), so that it is in alignment with rules and regulations governing conditional uses. Specifically, it will adjust current language that states the conditional use will cease when the property is sold and that new owners are required to apply for a conditional use permit before operating the B&B.

Conditional uses run with the land because they are an objective permit. It does not matter who owns the permit, just whether the conditions of approval are fulfilled. If new owners fulfill the commitments of the permit, the conditional use permit should remain valid.

Proposed Code Language

Section 16.13.35 – Bed and Breakfast Establishments

L. The bed and breakfast establishment shall, at the time of approval and thereafter, be the property owner's primary residence. Conditional use approval shall cease upon sale of the property. The new owner shall apply for conditional use approval before operating the bed and breakfast establishment. If a bed and breakfast establishment with an active permit is sold, the new owner will be required to apply for a business license and submit a signed affidavit stating that the property is their primary residence before operation of the establishment resumes.

Possible Findings

- The proposed adjustment will align requirements in the land use code with rules and regulations regarding conditional uses
- The proposed adjustment will require future property owners to acknowledge that the property is their primary residence.

Public Hearing Open

None

Public Hearing Closed

Motion: Commissioner Clifton: I make a motion that we recommend to approve an amendment to Section 16.13.35 (L) Bed and Breakfast Establishments to the Midway City Municipal Code. This proposal will align language in City code with the language in State code as outlined in the staff findings.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Clifton, Ream, Bouwhuis and Garland

Motion: Passed

Item 9:

Discussion on the Midway General Plan. The city has reviewed and revised the General Plan every five years and this process was last completed in 2017. Staff will propose a schedule and timeline for the review process.

Planner Robinson gave presentation.

The General Plan

- A practical vision and plan for the future
- Required by state code
 - Land use
 - Community Vision
 - Transportation
 - Moderate Income Housing
- Not law - The plan is an advisory document or guide to aid land use authority in making decisions "small decisions lead to big results"

Requirements for The General Plan

- Present and future needs of the municipality

- Growth and development of all or any part of land within the municipality
- The municipality may determine the comprehensiveness, extent, and format of the general plan

Only Advisory

The general plan is an advisory guide for land use decisions unless otherwise provided in the local ordinance

Vision Statement

Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances our small-town Swiss character and natural environment, as well as remaining fiscally responsible.

General Plan Chapters

- Land Use
- Community Vision
- Circulation (transportation)
- Moderate Income Housing
- Main Street
- Historic Preservation
- Parks, Recreation, and Trails
- Environment/Sensitive Lands
- Economic Development/Resort Areas
- Open Space

Midway General Plan

- Created in 2010 and 2011
- Adopted in 2011
- Reviewed and revised in 2016
- Adopted in 2017
- Review and Revise in 2021 and 2022
- Adopt in 2022

Potential Timeline

- Form the ten committees, one for each chapter of the General Plan. The committees will be made up of Planning Commissioners, City Councilmembers, the public, and staff. (October)
- Committees will review the current General Plan. (November)
- Create and conduct the survey. (January)
- Hold a charette. (February)
- Committees review the public comments gathered from the survey and from the charette. (March)

- Committees review and revise the chapters of the General Plan based on comments gathered from the public. (March-April)
- Update language and maps. (May)
- Planning Commission public hearing and recommendation to City Council. (June)
- City Council public hearing, review, revision, and adoption. (July-September)

Commissioners and Staff Comment

Melannie Egan to send the General Plan link to the commissioners.

- Land Use- Rich, Bill
- Community Vision-Andy-Rich
- Circulation (transportation)- Bill
- Moderate Income Housing- Rob, Jeff
- Main Street- Rob
- Historic Preservation- Jeff
- Parks, Recreation, and Trails-Rob
- Environment/Sensitive Lands- Bill
- Economic Development/Resort Areas- Andy, Rich
- Open Space- Jeff

Adjournment

Motion: Commission Ream

Second: Commissioner Garland

10:06 pm

Jeff Nicholas

 Chairman – Jeff Nicholas

Melannie Egan

 Admin. Assistant – Melannie Egan

APPROVED