



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING:	April 8, 2025
NAME OF PROJECT:	Powers Land Use Map Amendment (Rezone)
NAME OF APPLICANT:	Jason and Malinda Powers
PROPERTY OWNER:	Jason and Malinda Powers
AGENDA ITEM:	Land Use Map Amendment
LOCATION OF ITEM:	62 West 300 South
ZONING DESIGNATION:	R-1-22
PROPOSED ZONING:	Inclusion in the Transient Rental Overlay District

ITEM: 3

Jason and Malinda Powers are requesting a Zone Map Amendment of the Midway City Land Use Map. They are requesting that their parcel located at 62 West 300 South to be added into the Transient Rental Overlay District (TROD). The parcel is 0.40 acres and is zoned R-1-22.

BACKGROUND:

The applicants are requesting an amendment to the Midway City Land Use Map. Their property is zoned R-1-22 and is not in the Transient Rental Overlay Zone (TROD) but it is contiguous to the TROD and to the C-2 zone. They would like their property to be included in the TROD boundary, but they are not requesting a zone change to the C-2

zone. This would allow them to apply for a Conditional Use Permit which would then give them the ability to rent their home as a transient/nightly rental as outlined in the Midway municipal code. A transient rental is defined as a dwelling that is rented for two to 30 days and does require licensing from the City. The rental of a dwelling for more than 30 days is considered a long-term rental and does not require any rental licensing from the City and does not need to be located in the TROD. A transient rental license has several restrictions that regulate items such as the number of people that can stay in the home, number of vehicles that can be parked at the home, a locally licensed property management company must manage the home, the home must pass several inspections, and other requirements also apply. Homes that are licensed in the City as transient rentals have generally had very few complaints from neighbors. If the property manager is proactive about informing renters of the rules, then there usually are not any problems.

A zone map amendment is a legislative action, which means that the City Council has broad discretion to either approve or deny the proposal.

ANALYSIS:

The applicant's property serves as the primary home for the owner. If the proposed adjustment is approved, it would allow the property owners to pursue the additional approvals needed to rent their property as allowed by the Midway City Transient Home Rental ordinance. One important clarification is that the property, if the property is rented as allowed by the ordinance, the entire property and dwelling is rented. A portion of the property cannot be reserved for another type of rental or for a full-time resident while it is being rented as a transient rental. Unlike annexations that have specific spatial requirements in state code, there are not specific spatial requirements for requests like this and the City Council has broad discretion on whether they approve the proposed adjustment.

The City has been restrictive regarding short-term rentals and only allows them in the TROD. Generally commercial areas and areas near the resorts are included in the overlay zone. This property is not in the resort or commercial zone but the property does abut the C-2 zone and TROD. One reason why the City has been restrictive regarding transient rentals is because the balancing act the City must handle regarding property owners and neighbors. Transient rentals are good revenue sources for the owners of the property, and they generate transient rental taxes for the City and help with the resort tax that the City collects. They also make it easier for tourists to visit the City and to spend money in the local economy. The other side of the issue is they create added competition for the resorts in town and they can be disruptive to the neighborhood. They also reduce the number of dwellings available for full-time residence. Another issue that has been identified is the loss of community that is felt if many homes are rented on a short-term basis. Striking the balance between all these issues has been difficult and has led the City to create the overlay district which covers areas that are generally more conducive to rental units because of the surrounding uses in the area. The General Plan discourages the expansion

of the TROD based on the aforementioned reasons. The language in the General plan is the following:

TROD boundaries should not expand beyond current boundaries to help preserve available long-term housing supply and to help preserve Midway as a community filled with permanent residents that will help preserve Midway's community feel.

Over the past three years, the City Council has reviewed three petitions to extend the TROD to properties and include them in the overlay zone. Two of the three petitions have been approved, one before the current language in the General Plan and one after the language was adopted. The two that were approved were contiguous to the C-2 zone and the TROD while the third, which was denied, was surrounded by residential zoning and not contiguous to the TROD. The first that was approved was the Nelson, Lythgoe, Heckel Zone Map Amendment which was approved on June 7, 2022. The second approval was the Marsing Zone Map Amendment on June 6, 2023. The Miller property, which is the site of the former "Castle House" on Burgi Hill was denied on December 6, 2022.

This item has been noticed in the local newspaper for two weeks and on the State's website for the Planning Commission meeting. Mailed notice was sent out to all property owners within 600' for the public hearing that will be held by the Planning Commission.

POSSIBLE FINDINGS IN SUPPORT OF PROPOSAL:

- The proposed property is contiguous to the C-2 zone and the TROD.
- Transient rentals will help generate more transient rental taxes for the City and will help the City to qualify to collect the Resort Tax.
- The City Council is under no obligation to approve the proposal but may do so if they find it will benefit the community.
- The applicants will need to apply for a Conditional Use Permit if the zone amendment is successful.

POSSIBLE FINDINGS AGAINST PROPOSAL:

- Language in the General Plan discourages the expansion of the TROD because it could potentially reduce full-time residence housing stock and could impact the feel of the community.
- The City Council is under no obligation to approve the proposal but may deny it they find it will not benefit the community.

ALTERNATIVE ACTIONS:

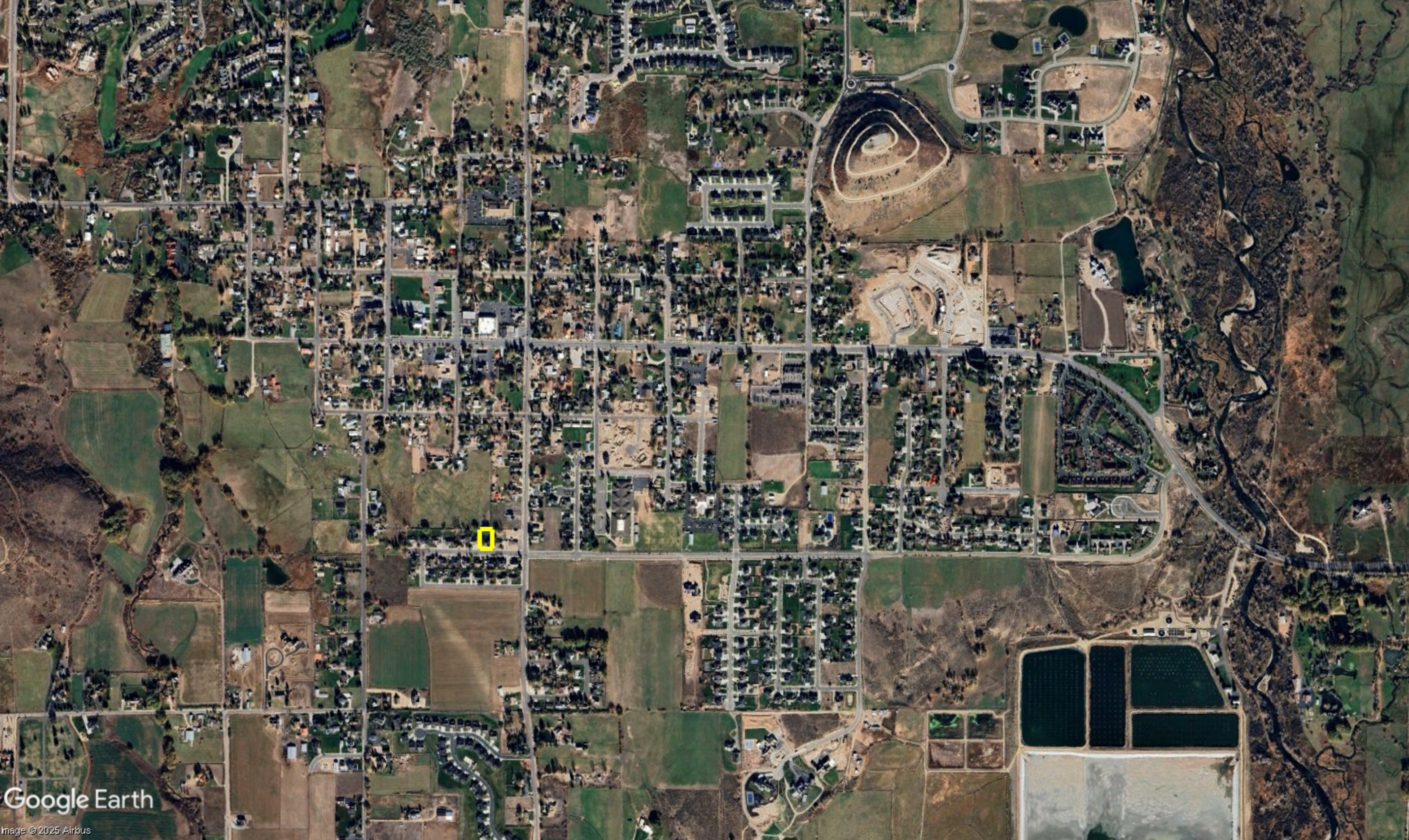
1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission finds the proposal is acceptable and is in the community's best interest.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

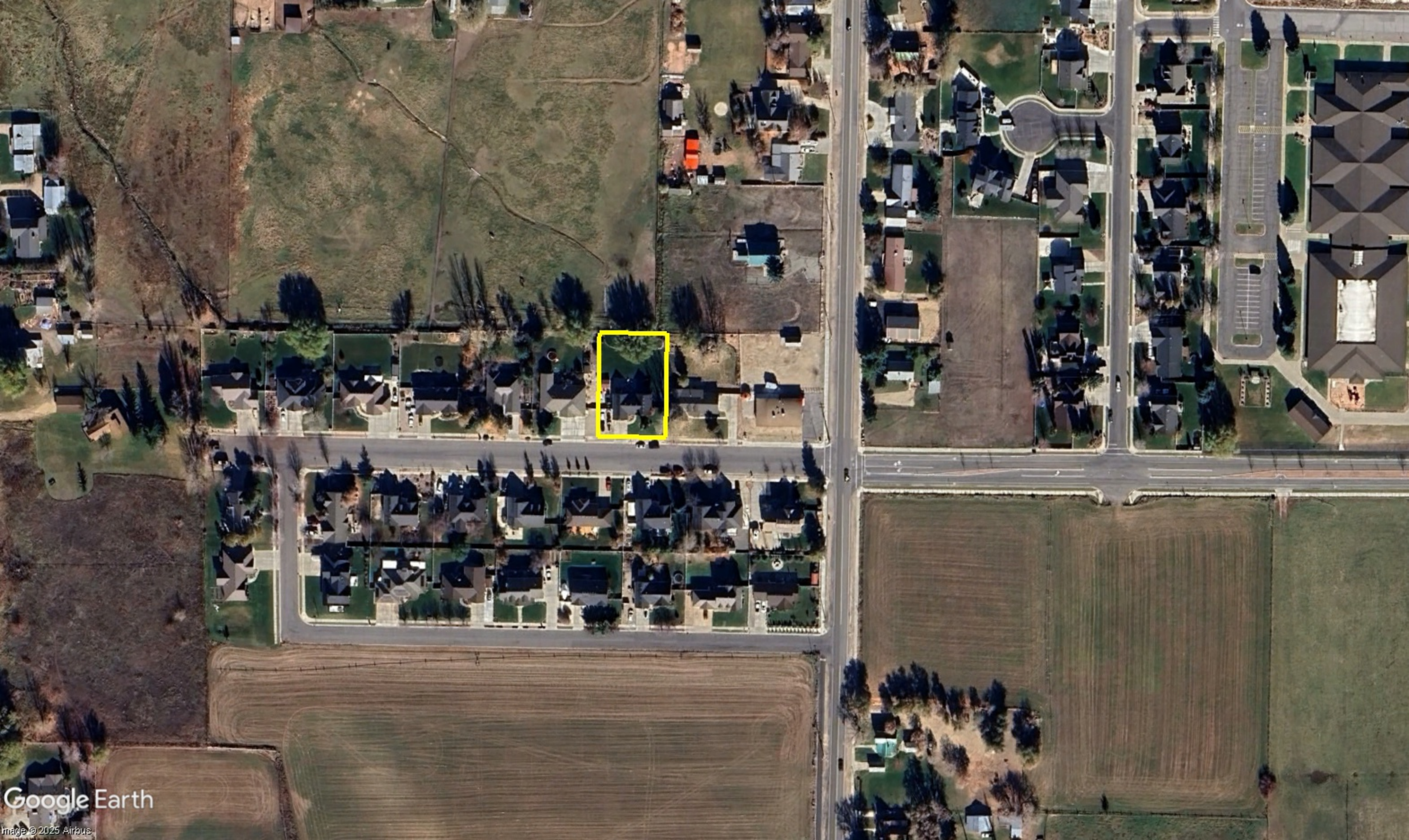
2. Continuance. This action can be taken if the Planning Commission finds that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Recommendation of Denial. This action can be taken if the Planning Commission finds the request is not acceptable and not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

RECOMMENDED CONDITIONS:

- None







Proposed
Rezone



160 W

350 S

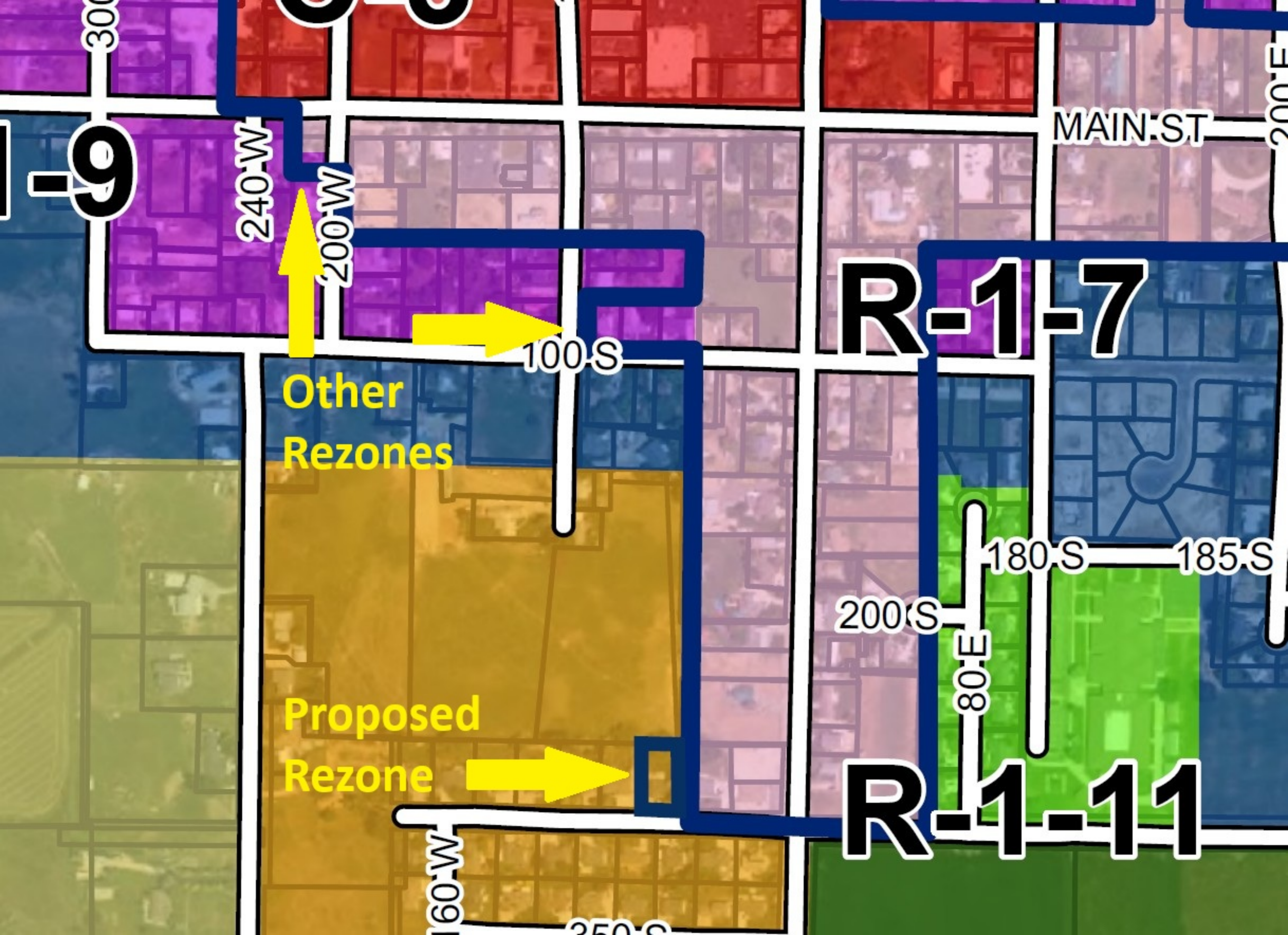
200 S

80 E

180 S

R-1-1

R



ATTACHMENT A

Reason and Justification for the Amendment:

Personal Reason for Amendment Request:

The owners, driven by business needs, must relocate but wish to maintain ties to Midway. This home, where they raised their four children, holds deep sentimental value. Now that their children are grown, they envision sharing it with tourists while reserving it for occasional family gatherings. Long-term renting is an option, but it would prevent family visits. With rising housing costs, this plan may be their only way to ensure their children and grandchildren can enjoy Midway's unique charm.

Justification for Amendment Request:

Expanding the Transient Rental Overlay District (TROD) to include this property is a practical and beneficial decision for the city, local businesses, residents, tourists, and the applicants. This property's unique location and alignment with the city's General Plan make it an ideal candidate for inclusion. Precedent exists for similar TROD expansions approved by the City Council, and a mere 100-foot shift westward offers clear advantages that outweigh any potential drawbacks. The following facts and benefits support this amendment:

- **Bolstering Resort Tax Goals:** If granted a Conditional Use Permit (CUP) for short-term rentals (2–30 days), this eight-bedroom home significantly boosts Midway's transient rental capacity. Its bedroom count amplifies its role in preserving resort tax revenue and helping the city exit resort tax probation.
- **Enhancing Tax Revenue:** Inclusion adds Transient Rental Room Tax, local sales tax, and full property tax—without the primary residence exemption—benefiting the city, county, state, and other taxing entities.
- **Strengthening the Local Economy:** Tourism from this property fuels local gems like the new Midway Bakery, breathing life into the C-2 corridor south of Main Street and fostering community growth.
- **Fitting as a Logical In-Fill:** Sharing its eastern and partial northern lot lines with TROD properties, this lot (Lot #2) aligns naturally and contiguously with an existing C-2 zoned TROD property (Lot #1) in the neighborhood, avoiding expansion of the TROD's western or southern edges.

- **Enhancing Walkability:** Just two lots from Center Street (SR 113), two blocks from the Midway Bakery, and three blocks from the town center, this property promotes pedestrian access. It also ties easily into the city's north-south trail system along SR 113 for walking and biking.
- **Reducing Parking Strain:** Three blocks from the town center, it offers ample off-street parking—a two-car garage, wide driveway, and gravel side parking—easing neighborhood impact and supporting tourism without added strain on town center parking.
- **Showcasing Rural Heritage:** With stunning mountain views to the north and west, a horse pasture adjacent to the north, and a spacious backyard, this property highlights Midway's rural heritage and family-friendly appeal, giving tourists an authentic experience without crowding a dense residential area.
- **Complementing Resort Zones:** On the TROD's southern edge, this property draws visitors to an underused C-2 corridor south of Main Street, supporting local business growth without competing with busier resort zones to the north.
- **Minimizing Neighborhood Impact:** Six-foot privacy fences on the east and west, plus a pasture to the north, reduce neighbor concerns. The local street easily handles traffic because it is twice as wide as the streets serving recent TROD additions on 100 South and 200 West. Additionally, short-term rentals actually decrease daily traffic because occupancy rates are never 100% compared to long-term tenancy. Moreover, the lot is near the eastern entrance of the subdivision, lessening the likelihood of traffic disturbing homes further to the west in the same neighborhood.
- **Ensuring Safety:** A streetlight, located across the street is less than 100 feet away, enhances safety for drivers, pedestrians, cyclists, and visitors.
- **Following Zoning Precedent:** Over 70 TROD-zoned dwellings in the City share the property's R-1-22 zoning.
- **Preserving Housing Supply:** Inclusion is unlikely to affect moderate-income housing availability.
- **Leveraging Experienced Ownership:** The property owner's experience as a city-licensed short-term rental manager with a proven track record will minimize disruptions and ensure neighbor-friendly policies are in place.
- **Council CUP Oversight:** TROD inclusion alone doesn't permit transient rentals; a future CUP application lets the City Council impose reasonable conditions—like guest limits, parking rules, or noise restrictions—to address concerns from residents or neighbors.

ATTACHMENT B

Please give us a detailed statement on how the proposal will help implement our vision (i.e. architecture, landscaping, trails, etc.). Visit our website to view our General Plan.

Adding this property to the Transient Rental Overlay District (TROD) aligns with the Midway City 2023 General Plan, which serves as a flexible guide for decision-making in the community's best interest. The property's inclusion offers numerous benefits that support at least 24 General Plan points, outweighing a single concern and minor divergence from one guideline, as shown in Table 1 below.

TABLE 1: Count of General Plan Statements That Inclusion in TROD Supports

General Plan Sections	Supportive	Outlier
Community Vision	😊😊😊😊😊😊😊😊	
Land Use	😊😊😊😊	😞
Economic Development, Resorts, and Tourism	😊😊😊	
Transportation	😊😊😊	
Moderate Income Housing	😊	
Environment and Sensitive Lands	😊	
Main Street	😊😊	
Historic Preservation	😊	
Parks, Trails, and Recreation	😊	
Open Space	😊	

SUPPORTIVE DETAILED ANALYSIS

Support for the Community Vision Statement: The Midway Community Vision Statement declares, *“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.”*ⁱ

- 😊 As Midway residents, we aim to collaborate with the City by converting our home into a nightly rental after we move due to business reasons.
- 😊 Permitting this as a nightly rental extends a family-friendly courtesy, enabling us to return frequently rather than committing to a long-term lease.
- 😊 This property enhances aesthetics with its well-maintained condition, mountain views from the backyard, and Swiss/European-style gable peaks.
- 😊 Located off bustling Center Street with a nearby streetlight, wide road, off-street parking, and trail access, it ensures visitor safety.
- 😊 Its proximity makes it an easy walk to the town center.
- 😊 Adjacent to a private horse pasture, it reflects the community’s rural charm and natural setting for visitors.
- 😊 Above all, TROD inclusion is a fiscally sound move, bolstering the City’s resort status and securing 20% to 25% of its budget through resort tax revenue.

Support for Land Use: This proposal complements key elements of the Land Use section in the Midway City 2023 General Plan, which states, *“The Transient Rental Overlay Development Zone encourages nightly rental residential. The City qualifies for imposition of a Resort Tax increment on sales through meeting the statutory ratio of nightly rental units to primary residential units. The Resort Tax generates significant revenue for the City. These areas are selected to comport with surrounding area such as resorts and commercial uses. All nightly rentals require local, third-party management.”*ⁱⁱ

- 😊 We hope to enrich nightly rental offerings along the Center Street corridor south of Main Street, a key area for business growth in the City.
- 😊 With eight bedrooms, this home meaningfully supports the city’s resort tax qualification.
- 😊 As a licensed third-party manager in Midway, the applicant ensures rentals will remain neighbor-friendly.
- 😊 Echoing Goal 4—*“Continue to grow the centralized business district; this will enhance the city’s sales and property tax revenues and provide the highest quality*

goods and services for local residents, while enhancing the visual appeal of the communityⁱⁱⁱ—this property, breathes new life into the TROD’s quieter southern business district.

☹️ The Land Use section suggests that TROD boundaries should not expand to preserve long-term housing and Midway’s community feel^{iv}. Yet, the first paragraph of the General Plan frames it as a flexible guide—rather than a strict mandate—allowing thoughtful consideration of broader benefits on a case-by-case basis^v. Past City Council amendments in 2022 and 2023 for similar properties adjacent to the TROD boundary and south of Main Street demonstrate this adaptability.

Support for Economic Development, Resorts, and Tourism: The Economic Development Vision states, *“Develop a sustainable economic base by retaining, recruiting, and encouraging businesses that expand the retail tax base, provide jobs, attract tourism, and retain and enhance the quality of life, and are consistent with the Swiss/European identity of Midway and the other elements of the General Plan.”^{vi}*

- 😊 Amending this property into the TROD bolsters the economic foundation by offering overnight rental capacity for tourists.
- 😊 Under Goal 1—*“To promote and encourage commercial, resort and other economic endeavors to strengthen and improve the city’s tax base and quality of life^{vii}”*—this property, as an “other economic endeavor,” aids the tax base and quality of life, especially critical in the City’s final year of resort tax probation to secure over \$1 million in revenue annually.
- 😊 Per Objective 1—*“Promote commercial growth that will increase sales tax revenues^{viii}”*—this nightly rental boosts local business activity and generates Transient Rental Tax from rental income.

Support for Transportation: The Transportation Vision states, *“The planned transportation system will:...Promote walking in commercial zones...[and] prioritize pedestrian safety.”^{ix}*

- 😊 This property sits right beside the commercial zone.
- 😊 Just two blocks from the Midway Bakery and three from the town center, it’s highly walkable—evidenced by Swiss Days visitors parking here and strolling to the event.
- 😊 Per Objective 2—*“Provide safe walking corridors throughout the City^x”*—this property’s proximity to the Center Street trail and sidewalk offers safe, accessible rental options.

Support for Moderate Income Housing^{xi}:

- 😊 Given the neighborhood’s zoning and property values, this home is unlikely to qualify as part of the Moderate-Income Housing Supply, distinct from R-1-7, R-1-9, C-2, or C-3 zones suited for multi-family units.

Support for Environment and Sensitive Lands^{xii}:

- 😊 This inclusion poses no environmental harm and aligns with the plan’s spirit by infilling within existing TROD boundaries, minimizing pressure on sensitive lands.

Support for Main Street: The plan notes, *“Midway’s Main Street is the heart of the City and is a reflection of its residents. As the City grows, this main corridor has great potential to provide a public gathering place for residents and tourists to interact and coexist with one another.... The area will cater to the pedestrian experience and incorporate access to open space such as plazas, street furniture, pocket parks, and trails.”^{xiii}*

- 😊 This property’s walkability reduces vehicle reliance, enhancing tourist access to Main Street.
- 😊 Per the parking goal—*“Develop good pedestrian access to Main Street from other parts of Midway to help reduce the number of vehicles that require parking stalls^{xiv}”—* it eases town center parking demands.

Support for Historic Preservation^{xv}:

- 😊 With no adverse impact, this inclusion inherently supports preservation efforts by maintaining the status quo.

Support for Parks, Trails, and Recreation: The plan describes the trail system’s purpose: *“Trails along roads, waterways, hillsides, and canals offer residents and visitors, walkers, runners, cyclists, and equestrian safe routes for exercise and transportation separate from the ever-increasing amount of vehicular traffic on local streets.”^{xvi}*

- 😊 Located just two lots from the Center Street trail, this property enhances trail system access without requiring road crossings.

Support for Open Space^{xvii}:

- 😊 While not impacting open space preservation, its adjacency to a private horse pasture highlights Midway’s rural heritage for visitors.

CONCLUSION

The inclusion of this property in the TROD delivers a cascade of benefits—24 distinct positive alignments with the Midway City 2023 General Plan—spanning economic vitality, community character, and practical infrastructure support. Against this stands a single outlier concern about expanding boundaries, softened by its flexible wording and prior City Council precedents. The overwhelming array of advantages, from fiscal responsibility to enhanced tourism and walkability, decisively tips the scale in favor of approval, promising a net positive for Midway’s future.

ⁱ Midway City. Midway City 2023 General Plan, 5, <https://midwaycityut.org/wp-content/uploads/2022/04/Midway-General-Plan-5-2-2023.pdf>.

ⁱⁱ Midway City, *2023 General Plan*, 19.

ⁱⁱⁱ Midway City, *2023 General Plan*, 23.

^{iv} Midway City, *2023 General Plan*, 16.

^v Midway City, *2023 General Plan*, 4.

^{vi} Midway City, *2023 General Plan*, 26.

^{vii} Midway City, *2023 General Plan*, 31.

^{viii} Midway City, *2023 General Plan*, 31.

^{ix} Midway City, *2023 General Plan*, 33.

^x Midway City, *2023 General Plan*, 39.

^{xi} Midway City, *2023 General Plan*, 43.

^{xii} Midway City, *2023 General Plan*, 48.

^{xiii} Midway City, *2023 General Plan*, 64.

^{xiv} Midway City, *2023 General Plan*, 64.

^{xv} Midway City, *2023 General Plan*, 73.

^{xvi} Midway City, *2023 General Plan*, 79.

^{xvii} Midway City, *2023 General Plan*, 84.

File No. 023576

When recorded return to:

Lincoln Title Insurance Agency
2225 Washington Boulevard, Suite 110
Ogden, UT 84401

Mail tax notice to:

Grantees
62 West 300 South, Midway, UT 84049

WARRANTY DEED

Jason C. Powers and Malinda L. Powers, "Grantor",

hereby CONVEYS and WARRANTS to:

Jason C. Powers and Malinda L. Powers, Husband and Wife "Grantees",

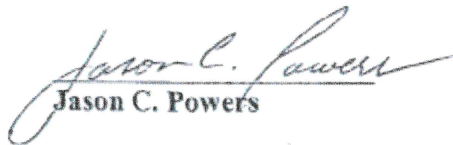
for the sum of TEN DOLLARS and other good and valuable consideration the following described tract of land in Wasatch County, State of Utah:

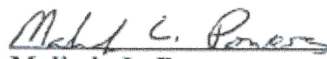
LEGAL DESCRIPTION {
LOT 2, STONE GATE SUBDIVISION, PLAT "A", ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE WASATCH COUNTY RECORDER'S OFFICE.

00-0020-1276

SUBJECT TO: County and/or City taxes not delinquent; Bonds and/or Special Assessments not delinquent and Covenants, Conditions, Restrictions, Rights-of-Way, Easements, and Reservations now of Record or enforceable in law or equity.

WITNESS, the hand of said grantor, this 31 day of October, A.D. 2013.


Jason C. Powers


Malinda L. Powers

STATE OF UTAH)
)ss.
COUNTY OF WASATCH)

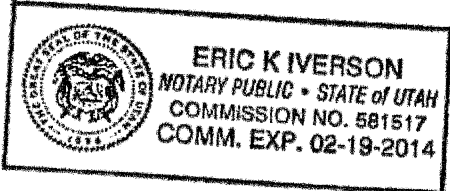
On the 31 day of OCTOBER, A.D. 2013, personally appeared before me Jason C. Powers and Malinda L. Powers, the signer of the foregoing instrument, who duly acknowledged to me that they executed the same.



Notary Public

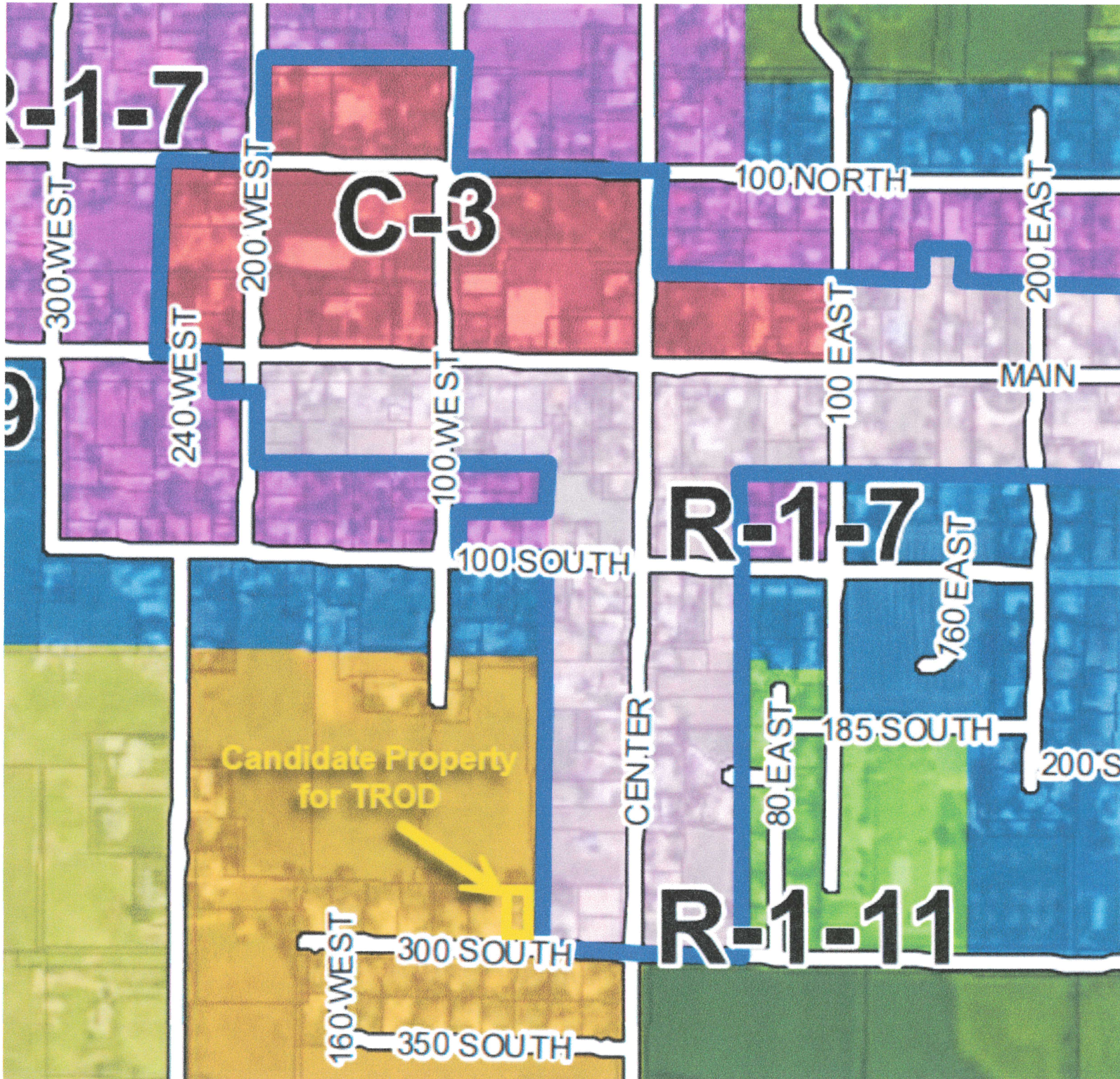
My Commission Expires: 2-19-14

Residing at: ODEN, UT



MIDWAY, UTAH - LAND USE

2/22/2022



06-4126

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7

20-1276

2



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20-1275

3445

20-1302
1

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2349

THEO CARLILE DAYBELL FAMILY TRUST

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2

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1211

W ▲

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42 W ▲

40'

LN

71 W ▲

▼ 53 W

35 W ▲

▼ 17 W

20-1288
14

20-1289
15

20-1290
16

20-1291
17

3

