

Midway City Planning Commission Regular Meeting Minutes October 8, 2024

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., October 8, 2024, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas – Chairman
Andy Garland – Vice Chair
Travis Nokes
Andrew Osborne
Laura Wardle
Kelly Lineback

Staff

Michael Henke – City Planner
Katie Villani – Planner
Wes Johnson – City Engineer
Melannie Egan – Planning Tech
Craig Simons – City Council

Excused

Craig Knight (Alt)
Genene Miles
Kim Facer (Alt)

Liaison Report

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Andrew Osborne

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of August 13, 2024, with the corrections noted.

Motion: Commissioner Garland: I make a motion that we approve the Planning Commission Meeting Minutes of August 13, 2024.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Wardle, Osborne, Lineback, Nokes and Garland

Motion: Passed

Item 2:

John Ace Money, representative for Pine Canyon Development LLC, has submitted a preliminary application for a large-scale subdivision to be known as Kastle Court Subdivision. The preliminary plan includes seven lots on 4.62 acres. The property is in the R-1-15 zone and R-1-22 zone at approximately 800 Pine Canyon Road.

Michael Henke gave a presentation.

Land Use Summary

- 4.65 acres
- R-1-15/R-1-22
 - R-1-15 approximately 1.62 acres
 - R-1-22 approximately 3.03 acres
- 7 lots
 - 2 lots in the R-1-15 zone
 - 5 lots in the R-1-22 zone
- 3.53 acres in lots
- 1.12 acres of right-of-way to be dedicated to Midway

Discussion Items

- Natural grade for determining height of future structures
- Building envelopes/setbacks
- R-1-22 lot depth setback exception
- 100' setback for all structures from Pine Canyon Road
- Setbacks and building envelopes
- **Double fronted lot**
- Bike lane construction or contribution
- Intersection and driveway location

Proposed Findings

- The proposal does meet the intent of the General Plan for the R-1-15 and R-1-22 zones.
- The proposed lots do comply with the land use requirements of the R-1-15 and R-1-22 zones.
- The developer will contribute to a bike lane that will benefit members of the community.
- Height of future structures will be measured from natural grade.

Proposed Conditions

1. A geotechnical report must be submitted to the City before an application for final approval is submitted.
2. Natural grade must be established and placed on the plat to determine the maximum height of future structures.
3. The developer contributes \$6,825 to the trails fund that will help build the bike lanes along Pine Canyon Road at a future date.

Comments

There was a discussion regarding the natural grade. The property has had dirt dumped on the property over the years. So the natural grade has been altered. We will have to come with a plan to figure out the natural grade. Travis Nokes stated that it could be based on an average, and Michael stated that it could be done that way and will have to create that plan and put it on the plat.

Main dwelling buildings must be built in the buildable area, but the accessory buildings can be built outside of the building pad if they meet the setbacks for an accessory building.

There was a discussion regarding the driveway on the north side of the project.

Tom Christensen the neighbor to the north with the driveway. He is here to find out all of the information. He is concerned about the safety to his kids during construction. He doesn't want to look access to his driveway and wants to come into his property directly from Pine Canyon and does not want to come into the new road and enter his property. Jeff Nicholas stated that Tom that it would be safer to come off of the new road. He would like the road to move a bit to the south. Michael Henke stated that it must be worked out.

Motion: Commissioner Nokes: I make a motion that we recommend continuing the preliminary application for a large-scale subdivision to be known as Pine Canyon Development. To gather more information regarding the road and gather more information of how this development will interact with this lot. The preliminary plan includes seven lots on 4.62 acres. The property is in the R-1-15 zone and R-1-22 zone at approximately 800 Pine Canyon Road.

Seconded: Commissioner Wardle

Commissioner Nicholas: Any discussion on the motion? No

Commissioner Nicholas: All in favor.

Ayes: Commissioners: Wardle, Osborne, Lineback, Nokes and Garland

Nays: None

Motion: Passed

Item 3:

Midway City is proposing a Code Text Amendment that will amend Sections of Title 16 of the Land Use Code. The amendments will change the approval process and requirements for land use applications that include single-family dwellings, two-family dwellings, and townhomes. The proposed changes are required because of amendments that have been adopted in the Utah State Code from Senate Bill 174 that was approved in 2023.

Michael Henke gave a presentation.

SB 174 Effective 12/31/24

- Requires local governments like Midway to update their subdivision review processes for single-family dwellings, two-family dwellings, and townhomes.
- Under UCA 10-9a-604.1(3)(b), Midway must "designate a single administrative land use

authority" and the land use authority may not be the City Council or any member of City Council.

Two Step Administrative Subdivision Review Process

Step 1: Preliminary Application Review

- The Administrative Land Use Authority (ALU) must review the subdivision application within **15 business days** of receiving a complete application.
- The ALU may receive public comment and conduct **one** public hearing.
- If the application complies with code, it shall be approved and proceed to the second step.

Step 2: Final Application Review

- Midway must complete a review of final applications within **20 business days**. May perform up to **four review cycles** on a given application. A review cycle is not considered complete until the applicant has addressed all redlines identified by Midway.
- Planning Commission may not be part of the final review process.

Appeals

1. Appeals relating to public improvements or engineering standards go to a three-person panel which shall meet within 10 days of the City to receive the request for appeal.

- Panel consists of 3 experts: one licensed engineer designated by the City, one licensed engineer designated by the applicant, and one licensed engineer agreed upon by the two designated engineers.
- Applicant pays appeal fee and 50% of cost of experts and City pays remaining 50%.
- Panel's decision is final unless either party petitions for district court review within 30 days of the written panel decision.

2. All other appeals will proceed through the City's usual appeal process as designated in the City Code.

Administrative Land Use Authority

- Given the 15 day turnaround time for review of preliminary applications, it would be difficult for non-staff entities meeting once a month to meet this timeframe.
- Moving to a meeting twice a month would not necessarily remedy the difficulty.
- Planning Commission is limited by state law to preliminary review.
- The code text amendments proposed have staff acting as the Administrative Land Use Authority with Planning Commission involvement for public hearings/meetings.
- Staff has reviewed the current Midway Code and identified and removed the City Council as the reviewing authority on subdivisions for single-family and two-family homes and townhomes.
- Staff has recommended in each instance replacing "City Council" with "City" or "City staff".

Proposed Code Text Additions

1. 16.16.340 Appeals in Disputes involving public improvements/engineering standards (in PUD and Standard Subdivisions);
2. 16.17.220 Appeals in Disputes involving public improvements/engineering standards (in Small Subdivisions);
3. 16.18.330 Appeals in Disputes involving public improvements/engineering standards (in Rural Preservation Subdivisions);
4. 16.30.380 Appeals in Disputes involving public improvements/engineering standards (in Density Reduction Subdivisions).

Each of these new appeal provisions will contain the following language:

- "The appeal process and procedures for disputes regarding public improvements/engineering standards will be in accordance with Utah State Law."
- City Council will remain the final authority for commercial and mixed-use subdivisions as well as legislative actions.
- City Council will remain the reviewing authority for any appeals from staff decisions, except those relating to engineering standards.
- City Council will remain the reviewing authority for extensions of development agreements.

Proposed Findings

- The proposed code text amendments comply with the State mandates codified under SB 174 (2023)

Possible Actions

Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.

- a. Accept staff report
- b. List accepted findings

Continuance. This action can be taken if the City Council finds that there are unresolved issues.

- a. Accept staff report
- b. List accepted findings
- c. Reasons for continuation
- d. Unresolved issues that must be addressed
- e. Date when the item will be heard again

Denial. This action can be taken if the City Council finds that the proposed language is not an acceptable amendment to the City's Municipal Code.

- a. Accept staff report
- b. List accepted findings
- c. Reasons for denial

Public Comment Open

Mark Austin 1065 Homestead Drive- Gave his opinion regarding SB-174. This law puts tremendous pressure on staff. Taking out those who are accountable makes things very difficult. There will be many lawsuits and the law will change in time.

Public Comment Closed

Motion: Commissioner Garland: I make a motion that we recommend approval a Code Text Amendment that will amend Sections of Title 16 of the Land Use Code. The amendments will change the approval process and requirements for land use applications that include single-family dwellings, two-family dwellings, and townhomes. The proposed changes are required because of amendments that have been adopted in the Utah State Code from Senate Bill 174 that was approved in 2023. Planning Commission is appointed to the Municipal Land Use Authority for Preliminary. That city council may also appoint the planning commission members (less than a quorum), staff and/or members of the public become the Land Use Authority for final approval.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Wardle, Osborne, Lineback, Nokes and Garland

Motion: Passed

Adjournment

Motion: Commissioner Garland

Second: Commissioner Osborne

8:00 PM



Chairman – Jeff Nicholas



Planning Tech – Melannie Egan