

Midway City Planning Commission Regular Meeting September 16, 2015

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., September 16, 2015, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:

Steve Nichols – Cochairman
Stu Waldrip
John Rather
Jim Kohler
Bill Ream

Staff:

Michael Henke – City Planner
Lindy Rodabough – Admin Assistant

Excused

Mickey Oksner - Chairman
Nancy O'Toole
Natalie Streeter
Chip Maxfield

6:45 P.M. Work/Briefing Meeting

- City Council Liaison Report, no action will be taken and the public is welcome to attend.

7:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
Opening Remarks or Invocation.
 - ❖ Invocation was given by Stu Waldrip.
 - ❖ Cochairman Nichols led the Pledge of Allegiance.

Regular Business

1. Review and possibly approve the Planning Commission Minutes of August 19, 2015.

Cochairman Nichols asked if there were any discussion on the motion

There was none

Motion: Commissioner Waldrip; I move approval of the minutes from the last meeting.

Seconded: Commissioner Kohler

Ayes: Commissioners Ream, Rather, Waldrip, and Kohler

Nays: None

Motion: Passed

ITEM: 2

Diane Swensen, agent for Launie Magnuson, is requesting Preliminary/Final approval for a one (1) lot small scale subdivision that will be 0.47 of an acre in size. The property is located at 79 East 100 South and is located in the R-1-7 zone.

BACKGROUND:

This request is for preliminary/final approval of a small-scale subdivision on 0.47 of an acre. The one lot proposed in the subdivision will obtain frontage along 100 S. The property is located in an R-1-7 zoning district and the lot does comply with the minimum requirements of frontage, width and acreage for a lot in this zone.

The new lot will be created from a parcel that was created in 2006. When the parcel was created in 2006 it did not receive any land use approvals from the City. The parcel did not receive staff review, Planning Commission review or City Council approval and therefore a plat was not created or recorded for the parcel. The City will not grant a building permit until the parcel is recorded as a building lot that complies with City and State Code requirements.

The subdivision review and approval process allows the City to review the proposal to assure that all land use requirements are met. Some of the requirements include the following: minimum area, frontage, public utility easements, water requirements for inside culinary and outside irrigation, sewer connection, water connection, secondary irrigation connection, road dedication, infrastructure improvements including road widths and curb, gutter and sidewalk, among others. When parcels are created without receiving City approval none of these items are reviewed and none of the required improvements are completed.

Currently the parcel is being used for agricultural purposes. There are horses grazing on the property and staff has investigated and found that animals have been present on the property for several years. Currently the zoning does not allow large animals unless the property has grandfathered rights. Those rights will remain until animals are removed from the property for more than a year.

LAND USE SUMMARY:

- 0.47 acre site
- R-1-7 zoning
- Proposal contains 1 lot
- Frontage along 100 S.
- The lot will connect to the Midway Sanitation District sewer and the City's water line

ANALYSIS:

Driveway access – There is a sidewalk along the front of the property and the City Engineer will need to determine if any of the sidewalk must be replaced as part of the review process. Also the City Engineer will need to decide if any other improvements should be made regarding curb, gutter and park strip.

Water Connection – The lot will connect to the City’s water line located under 100 S.

Sewer Connection – The lot will connect to Midway Sanitations District’s line located under 100 S.

Animal Rights – Large animal rights will continue on the property as a nonconforming use unless new information is discovered that disproves those rights.

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the R-1-7 zoning district
- The proposal does meet the intent of the General Plan for the R-1-7 zoning district
- The parcel was created without City land use approval, by recording a plat the lot will be eligible for a building permit

ALTERNATIVE ACTIONS:

1. Recommendation for Conditional approval. This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the Planning Commission feels 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 for Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

POSSIBLE CONDITIONS:

None recommended.

Cochairman Nichols opened to meeting to the public: there was none

Commissioners: What is the issue with the sidewalk?

Planner Henke: We would want any damage to the sidewalk fixed. Our city engineer is out of town and I do not have his comments.

Commissioners: Would that be a requirement for this proposal?

Planner Henke: Yes, it could be a requirement for this proposal. I want to get our city engineer's opinion like I said I do not have it for tonight, but I'll be sure to get it or City Council.

Paul Berg: I'd like to request that if Wes does find anything wrong with the sidewalk that it can be fixed after the utilities have been put in and after the home has been built.

Cochairman Nichols asked if there were any further discussion

There was none

Motion: Commissioner Ream; I propose that the proposed lot meets minimum requirement of the R-1-7 zoning district the proposal does meet the intent of the general plan for the R-1-7 zoning district. The parcel was created without city land use approval, but by recording of the plat the lot will be eligible for a building permit. The proposal is recommend for approval to the City Council. We will wait for the City Engineer to give his opinion on the sidewalk and the City Council can decide what to do about that.

Cochairman Nichols asked if there were any discussion on the motion

Commissioner Waldrip: I suggest that we accept report from staff as part of the motion.

Commissioner Ream: Agreed

Seconded: Commissioner Waldrip

Cochairman Nichols asked if there were any other discussion or comment on the motion

Ayes: Commissioners Ream, Rather, Waldrip, and Kohler

Nays: None

Motion: Passed

ITEM: 3

Midway City is requesting a Code Text Amendment that would amend the regulations for agricultural greenhouses so that the processing and packaging of fish would not be allowed on-site. The section of code that would be amended is Section 16.13.45.

BACKGROUND:

The proposed code text amendment would clarify that the slaughtering, processing and packaging of fish for commercial use is not allowed as part of an agricultural greenhouse. The City is concerned about the implications and nuisances that are associated with the slaughtering and processing of fish in agricultural greenhouses that are located in a residential zone (RA-1-43) or next to other residential zones. The City has arrived at the conclusion that this particular item was intended to be included in the ordinance but was not included in the final draft that was approved by the City.

When the original code was created in 2013 there was much discussion regarding this particular item. When commercial greenhouses were proposed on the Roy Remund property by Jagati Farms there was much discussion regarding how the fish would be handled for the large operation that was proposed. The proposal from Jagati Farms was that no fish would be slaughtered on-site. All fish would be moved from the property alive and delivered to a location appropriate for this particular activity. It was discovered during the recent approval by the Higginson family for their greenhouse that the code did not specifically state that this activity is not allowed even though it was intended to be included in the Code. Therefore, staff is proposing the following language is added to Section 16.13.45 (B) (8):

8. If aquaculture or aquaponics are approved by the City Council, the slaughtering, processing, and packaging of fish are not allowed on-site. The fish must be transported alive to an appropriate off-site facility for these activities.

ANALYSIS:

Staff feels that the aforementioned activities are an intense use that may create nuisance issues that are difficult to mitigate in areas where the zoning allows residential uses that may be present now or will be present in the future. Therefore it is important to clearly state in the Code that this use is not appropriate within the predominately residential land use areas of the City.

NOTICING:

As required by State and local ordinance this item was noticed for two weeks in the Wasatch Wave and on the State website. Notice was also posted in three public locations in the City.

PROPOSED FINDINGS:

- The slaughtering and processing of fish is an intense use that creates nuisance issues that are difficult to mitigate
- The RA-1-43 zone allows residential uses. Areas located near greenhouses are developed or most likely will be developed in the future which creates non-compatible contiguous uses.

ALTERNATIVE ACTIONS:

1. Recommendation for approval. This action can be taken if the Planning Commission feels that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the Planning Commission feels 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 feels 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

Cochairman Nichols opened the meeting to the public:

There was none

Commissioners: Discussed and changed some language in the proposed code text.

Cochairman Nichols asked if there were any further discussion

There was none

Motion: Commissioner Waldrip; I move that we accept the staff report and also accept the proposed findings that the slaughtering and processing of fish is an intense use that could potentially create a nuisance that could be difficult to mitigate that the RA-1-43 zone allows residential uses and areas located near greenhouses that are developed or most likely will be developed in the future which creates a non-compatible contiguous use. I would add another finding that the permitted use of aquaculture or aquaponics never was conceived to include the processing, slaughtering or packaging of fish except for incidental family use. As constructed then or as revised I'd move that we accept the proposed language for subparagraph eight (8) as proposed by staff.

Commissioner Kohler: With the changes suggested?

Commissioner Waldrip: Yes

Cochairman Nichols asked if there were any discussion on the motion

Seconded: Commissioner Ream

Ayes: Commissioners Ream, Waldrip, and Kohler

Nays: Commissioner Rather; I'm not opposed to a fish butchering shop in town.

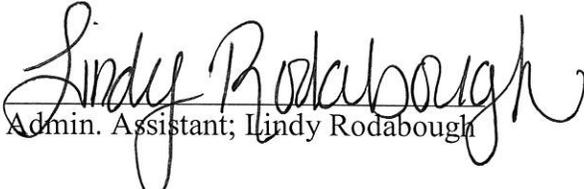
Motion: Passed

Adjournment

Motion: Commissioner Kohler: I move that we adjourn.

Meeting adjourned at 7:29 pm


Chairman; Mickey Oksner


Admin. Assistant; Lindy Rodabough

