

Midway City Planning Commission Regular Meeting December 18, 2013

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., December 18, 2013, at the Midway City Community Center
160 West Main Street, Midway, Utah

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

Regular Business

- 1. Discussion and Possible adoption of the 2014 Planning Commission Meeting Dates**
- 2. Review and possibly approve the Planning Commission Minutes of November 20, 2013**
- 3. Election of Chairman and Vice Chairman of the Planning Commission**
- 4. Paul Berg, agent for Daniel Luster, is requesting a Final Approval for Farm Springs. The proposal is a large scale-sub-division and consists of 14 lots on 26 acres. The property is located at 550 North Center Street and is located in the R-1-15 zone.**
 - Discussion of proposed Final Approval
 - Possible recommendation to the City Council
- 5. Public Hearing for proposed General Plan Amendment of the Moderate Income Housing Element (pages 41-44). The proposed amendment would modify the language in this section of the General Plan.**
 - Discussion of General Plan Amendment
 - Public Hearing
 - Possible recommendation to City Council

Planning Commission Minutes

November 20, 2013

Minutes of the Midway City Planning Commission

**Wednesday, 20 November, 2013 7:00 p.m.
Midway Community Center
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, The Store Express, the Midway City Office Building, and the Midway Community Center. The public notice/agenda was published on the Utah State Public Notice Website and a copy sent to The Wasatch Wave.

Attendance:

Kent Kohler – Chairman
Mickey Oksner - Co-Chairman
Jim Kohler
Karl Dodge
Stuart Waldrip
John Rather
Natalie Streeter

Staff:

Michael Henke – City Planner
Jennifer Sweat – Administrative Assistant

Excused:

Chip Maxfield
Steve Nichols

6:50 P.M. Work/Briefing Meeting

Planner Henke gave the City Council Liaison Report. No action was taken and the public was welcome to attend.

7:00 P.M. Regular Meeting

Call to Order

Chairman Kohler opened the meeting and welcomed the commissioners, staff and public. Commissioner Stu Waldrip gave the invocation. Chairman Kohler led the Pledge of Allegiance.

By way of information Commissioner Maxfield and Nichols were excused from tonight's meeting.

Regular Business

1. Review and possibly approve the Planning Commission Minutes of October 16, 2013.

Motion: Commissioner Karl Dodge made the motion to approve the Planning Commission Minutes of October 16, 2013 with the correction on page three, paragraph four, change word designed to design, and page 12, Nays – the word NONE should be removed. Jennifer Sweat,

secretary stated she would make those corrections.

Chairman Kohler asked if there were any other discussions on the motion?

No further discussion were needed

Seconded: Commissioner Waldrip seconded the motion.

Votes: Ayes: Commissioner Oksner, Commissioner J. Kohler, Commissioner J. Rather.

Nays: None

Motion: Passed

2. **Brad Wilson, City Recorder will swear in Natalie Streeter as an alternate member of the Planning Commission.**
3. **Paul Berg, agent for Daniel Luster, is requesting Preliminary Approval for The Settlement (Farm Springs). The proposal is a large scale-subdivision and consists of 14 lots on 26 acres. The property is located at about 550 North Center Street and is located in the R-1-15 zone.**

Planner Henke thanked Chairman Kohler and the Commissioners.

Planner Henke stated that this is a request for preliminary approval for the proposed project named Farm Springs, previously known as The Settlement. The project consists of 14 lots on 26 acres. The proposal does have sensitive lands over part of the property and it is in an area where a future planned collector road will be built along with an accompanying trail. The 600 N. collector road that is part of this development is an important connector road for the City. There are few east-west connections and this is one of the last options available. This road has been part of the City's Transportation Master Plan since 1977. This property has been known as The Settlement for the past two times that it was proposed for development. Initially the proposal consisted of 36 lots in a Planned Unit Development then last year it was proposed with 11 lots. Neither of those two plans currently have any entitlement.

Planner Henke presented a power point presentation of the property.

(Note: A copy of the presentation is available in the supplemental file)

Planner Henke stated that the City's master road plan has a collector road planned that crosses the proposed development from Center Street to Pine Canyon Road. This is an important street for the City because of the lack of east-west roads in the City. The City has planned on this road since at least 1977 and this location is the best location for this collector road. It is important that the City secure the right-of-way and also assure that the road is constructed when development occurs. This has become a complicated issue because the Homestead Golf Course has an easement over an area where the road will need to cross. The City, the developer, and Steve Eddington of The Homestead have worked diligently to try to solve the issue of how to build the road without reducing the requirements that the golf course has for Hole 15. Through cooperation it was decided to move the street farther north. This will work but it will involve the cooperation of two additional land owners and potentially the expense to the City will be greater

because of the acquisition of the land and possibly because of the construction of the road. This is the current and preferred plan adopted by the City Council last year. Basically the plan is for the road to be placed 10' south on the golf course easement and 40' north on the Doxy property to accommodate the 50' easement.

Planner Henke stated that the developer is asking that the City approve a rural cross section for the project instead of a more urban cross section. The urban cross section includes curb, gutter, and a sidewalk while the rural cross section would have a swale instead of the curb and gutter with an 8' wide concrete trail on the north side of the road. The City Council will have the ultimate decision on what type of road cross section is acceptable.

Planner Henke stated that there is a 8' detached public trail that will be built north of the proposed road. Eventually this trail will connect to a trail that will be built in the Midway Village PUD that will allow trail users to cross from Pine Canyon Road to Center Street entirely on a detached trail. It was originally approved to have this trail be constructed with concrete.

Planner Henke stated that the City has a cul-de-sac limitation of 500'. The current proposal reaches a length of about 1300' feet in length. This does meet the fire districts standards but City Council will need to approve the extended length. When 600' north is completed to Pine Canyon Road then the cul-de-sac length will be reduced to just over 300' in length. Because of the nature of the collector street and the fact that it will eventually connect to Pine Canyon Road staff feels that this is an acceptable plan.

Planner Henke stated that there are delineated wetlands on the property that cover mostly the southern area near The Mound. These areas will be shown on the plat and cannot be disturbed. A building envelope will be placed on each lot that has wetlands so that no future buildings will be allowed on those sensitive land areas. Also a note will be placed on the plat that will explain that landscaping or disturbance of any kind will not be allowed in the wetlands areas.

Planner Henke stated that the City has a ridgeline overlay area on some of the property. The area of The Mound is an elevated hill that is visible from many surrounding properties. The City code will not allow construction on or near The Mound that will allow any part of a structure to rise above the ridgeline when viewed from specific vantage points in the City.

Planner Henke stated that possible findings for this application would be:

- The proposal does meet the requirements for the R-1-15 zone.
- The proposal seems to comply with the visions as stated in the General Plan for the area
- Temporarily the road will exceed the cul-de-sac length limitation of 500' but as the road is completed in the future it will connect to Pine Canyon Road and length will no longer be an issue.
- The road does not exceed the Fire Districts 1300' length limitation.

Planner Henke stated that they did have a Development Review Committee with the Fire District, Public Works, as well as Paul Berg, and they had no concerns as the subdivision was

presented, and it meet all requirements.

Commissioners discussed the temporary cul-de-sac, the material the trail would be constructed with and the amount of open space that would not be available to the public. Planner Henke went over each item with the commissioners.

Commissioner J. Kohler had question regarding the 14 acres and felt a bit uneasy having that much open space not available for the public. He mentioned the park in Valais which was used by the public and maintained by the City.

Planner Henke stated that regarding Valais they had to have 50% open space, which is why they decided to give that property to the city for the Park. This developer does not need that much open space, and hasn't mentioned wanting to give the property to the City. Also the City has not and does not plan on having a future park in that area.

Chairman Kohler asked if there were any other questions?

No further questions were needed.

Motion: Commissioner Waldrip made a motion to approve the Preliminary Approval for Farm Springs as presented. The proposal is a large scale-subdivision and consists of 14 lots on 26 acres. It was also moved to accept the staff findings as given in staff report and to also recommend that with trail being made with asphalt instead of concrete.

Chairman Kohler asked if there were any other discussions on the motion?

Commissioner J. Kohler feels there is a basis to continue the item to discuss further the public access to the property regarding the open space. The other commissioners did not feel that way, and wanted to continue with the motion that had been made.

Seconded: Commissioner Oksner

Votes: Ayes: Commissioner Dodge, Commissioner Rather, Commissioner Streeter.

Nays: Commissioner J. Kohler

Motion: Passed

4. Paul Berg, agent for Roy Remund, is requesting a Concept Plan Review. The property is located on 600 North and River Road and is located in the R-1-15 zone.

Planner Henke thanked Chairman Kohler and the Commissioners. He stated that there are Three (3) levels of approval for Planning Commission: Concept Plan Review, Preliminary and Final. There is no entitlement with Concept Plan Review, it is to discuss and review, and receive feedback to the applicant. No motion would be made this evening for this item.

Planner Henke stated that there was no Staff Report for this item, but he would give a brief overview of the property. It has a proposed 48 lots on 27.38 acres, it will have 6.18 acres of open space (22.57%) and the code only requires 15%. The property is located in the R-1-15 zone.

Planner Henke presented a power point presentation of the property which showed a plat map of the property showing othe lots, trails and landscaping.

(Note: A copy of the presentation is available in the supplemental file)

Planner Henke stated that the property has been a functioning dairy farm for many decades. The proposal is to develop this property. There is still quite a bit of agricultural land to the west. When planning for future parks this is the general area where the park was discussed, which is where the bulb is shown on the plat map. The way the open space has been placed, follows the sensitive land, there is a spring and ditches on the property, and it creates a linear path way which could be an asset to the City to connect it to 250 North or further South. It could even eventually go up to the Valais Park.

Planner Henke stated that his comments on this property would be:

- Obtain an easement for the trail to the end of the property to obtain an East/West Connection.
- Need a cross section of the road.
- Usually like to have the open space next to a collector road, however it is understood that there are two existing homes on the main collector's road.
- The area identified for open space does have sensitive land, and it make sense why the developer picked this area.

Paul Berg, agent for the property, stated that usually when he leaves this type of meeting, he typically goes back to his office and starts drawing up plans for the preliminary application for the development. However, this may or may not be the case on this project. He asked that Jennifer Sweat, Administrative Assistant, take really good notes so that whoever takes this project to the next step has some guidance. Jennifer stated that she would make sure to take good notes.

Paul stated this was a unique piece of property. It has a wetland area, ditches, and elevation differences. They have tried to turn a possible restriction to the property and make it more of an amenity. He discussed the plan and concept for the property. Paul stated that the intent is to get comments to see if there are any concerns from a zoning standpoint or if any additional studies would need to be done, or if there are any concerns on this project if this exact plan was to come before the commission as a preliminary plan. Significant due diligence has been completed on this property. If any future developer comes in they can clearly see what the concerns of the City were and the property owners can move forward with a clear picture of what they are looking at.

As the property was discussed the following comments/concerns were brought up

- It was asked if the property had a developer. At this time they do not have one and Mr. Berg isn't sure who will be building homes.
- They discussed the water features. Mr. Berg stated that it was for the most part natural; however there are portions that are wetlands.

- The property will need to have a Geotechnical study which is noted on the plans
- There are Wetlands on the property.
- As presented it does meet the City Code and would be perfectly acceptable to use this plan; however a few commissioners feel that some of the lots are small, and perhaps they should be fewer lots, larger lots, and charge a higher price. They felt the lots on the south border of the lots were smaller.
- They asked if wetlands can be part of the open space. Planner Henke stated that was possible. They do have a trail going North and South, so there is trail connectivity.
- Connectivity to the potential development to the west is something that needs to be looked at.
- Discussed that both entrances are located on 600 North.
- The city could possibly work with the developer to do a pocket park.
- A PUD could be developed on this property, which means with 60 to 65 homes instead of the proposed 48 homes.
- Would have like to see more open space next to 600 North; however they have done well to use the space that they have without tearing down existing homes on 600 North.
- Sewer might require some work. Other utilities appear ok.

Planner Henke and Paul Berg stated that if this goes forward, the Wetland Report, and Geotechnical Study would need to be included with that application.

5. Public Hearing for proposed General Plan Amendment of the Moderate Income Housing Elements (pgs. 41-44). The proposed amendment would modify the language in this section of the General Plan.

Planner Henke stated that the proposed General Plan Amendment of the Moderate Income Housing Element will be continued until the next Planning Commission Meeting as it is being discussed at a special City Council meeting, December 4, 2013.

Motion: Commissioner J. Kohler made the motion to continue this item until the December 2013 Planning Commission Meeting because of the City Council discussing the matter at a special council meeting.

Chairman Kohler asked if there were any other discussions on the motion?

No other questions were given.

Seconded: Commissioner Dodge

Votes: Ayes: Commissioner Rather, Commissioner Streeter Commissioner Oksner and Commissioner Waldrip.

Nays: None

Motion: Passed

6. Public Hearing for Proposed Code Text Amendment to Section 16.5.2: Permitted and Conditional Uses in the C-2 and C-3 zone. Add definition of “Mixed Use” in Section 16.2 definitions.

Planner Henke thanked Chairman Kohler and commissioners.

Planner Henke stated that Section 16.5.2 of Chapter 16.5 COMMERCIAL C-2 and C-3 ZONES of the Land Use Code currently allows R-1-7 residential development as a permitted use in the C-2 zone but does not allow it in the C-3 zone. The proposed changes would allow R-1-7 residential development as a permitted use in the C-2 and C-3 zones.

Planner Henke presented a power point presentation of the property.

(Note: A copy of the presentation is available in the supplemental file)

Planner Henke stated that the current USES Table allows “dwelling units *above or below* permitted commercial use” in the C-2 zone but requires a Conditional Use Permit in the C-3 zone. The proposed changes would change the language “dwelling units above or below permitted commercial use” to “mixed use” and allow mixed uses as a permitted use in the C-2 and C-3 zones. The definition of “mixed use” would be added to Section 16.2 DEFINITIONS of Chapter 16.

Planner Henke stated that Staff is proposing the following definition of “Mixed use”:

Chapter 16.2.52. Mixed Use. A development in the commercial zone that blends a combination of residential and commercial uses where functions are physically and functionally integrated and provide a stronger neighborhood character and more compact development.

Planner Henke stated that the proposed changes would allow residential and mixed use development in the C-2 and C-3 zones as a permitted use. The underlying zoning regulations would still apply. Many of the lots in the commercial zones are deep and lend themselves to residential or mixed use developments. Additionally, there are several existing examples of mixed use commercial development (Country Corner, 157 Main, Rebook, and Nightly Cottages). Planner Henke believes that changing the code to reflect actual circumstances will encourage residential and mixed use developments in the downtown commercial corridor.

Planner Henke stated that possible findings for this item would be:

- The proposed changes support the Main Street Objectives in the General Plan.
- The proposed changes will likely increase the available moderate income housing options in the City.

Planner Henke stated that possible conditions for the item would be:

- Residential and mixed use developments in the C-2 and C-3 zones will be required to go before the Vision and Architecture Committee.

Commissioners discussed the proposed changes, where the zones were at, and what the proposed changes would do. The staff report was reviewed by Planner Henke with the commissioners. They all felt that this was a good change, and supported the change.

Chairman Kohler opened the meeting for a Public Hearing.

No comments were given, and Chairman Kohler closed the hearing.

Chairman Kohler asked if there were any questions?

The commissioners discussed whether to make both zones permitted, or to make C-3 zone be conditional use, and perhaps keep it more restricted. It was mentioned that even with permitted use it goes before the VAC committee so there is some discretion. The majority of the commissioners felt it was better to maintain more control over C-3, and make it be Conditional Use.

No other comments were made.

Motion: Commissioner Waldrip made the motion to approve the Proposed Code Text amendment to section 16.5.2, making the R-1-7 residential a permitted use in the C-2 zone, and a conditional use in the C-3 zone. As well as adding the definition of “Mixed Use” in Section 16.2 definitions, using the definition as presented by staff, accepting staff findings as well.

Chairman Kohler asked if there were any other discussions on the motion?

No further discussion was needed.

Seconded: Commissioner Streeter

Votes: Ayes: Commissioner J. Kohler, Commissioner Rather, Commissioner Oksner

Nays: None

Motion: Passed

Commissioner Karl Dodge abstained from this vote

Chairman Kohler asked for motion to adjourn.

Commissioner Streeter moved for adjournment @ 8:57 p.m.

Motion Accepted.

Kent Kohler, Chairman

Jennifer Sweat, Admin Assistant

2014 Planning Commission
Meeting Dates

MIDWAY PLANNING COMMISSION
2014 Meeting Schedule

Work/Briefing Meeting 6:50pm

Regular Meeting 7:00pm

| P.C. MEETING DATE | APPLICATION DEADLINE |
|-------------------------------|------------------------------|
| Wednesday, January 15, 2014 | Thursday, December 19, 2013 |
| Wednesday, February 19, 2014 | Thursday, January 16, 2014 |
| Wednesday, March 19, 2014 | Thursday, February 20, 2014 |
| Wednesday, April 16, 2014 | Thursday, March 20, 2014 |
| Wednesday, May 21, 2014 | Thursday, April 17, 2014 |
| Wednesday, June 18, 2014 | Thursday, May 15, 2014 |
| Wednesday, July 16, 2014 | Thursday, June 19, 2014 |
| Wednesday, August 20, 2014 | Thursday, July 17, 2014 |
| Wednesday, September 17, 2014 | Thursday, August 21, 2014 |
| Wednesday, October 15, 2014 | Thursday, September 18, 2014 |
| Wednesday, November 19, 2014 | Thursday, October 16, 2014 |
| Wednesday, December 17, 2014 | Thursday, November 20, 2014 |

Election of Chairman and Vice Chairman
of the Planning Commission

Paul Berg, agent for Daniel Luster, is requesting a Final Approval for Farm Springs. The proposal is a large scale-subdivision and consists of 14 lots on 26 acres. The property is located at 550 North Center Street and is located in the R-1-15 zone.



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: December 18, 2013
NAME OF PROJECT: Farm Springs
NAME OF APPLICANT: Daniel Luster
AGENDA ITEM: Final Approval
LOCATION OF ITEM: Center Street and 550 N
ZONING DESIGNATION: R-1-15

ITEM: 4

Paul Berg, agent for Daniel Luster, is requesting Final Approval for Farm Springs. The proposal is a large scale-subdivision and consists of 14 lots on 26 acres. The property is located at about 550 North Center Street and is located in the R-1-15 zone.

BACKGROUND:

This request is for final approval for the proposed project named Farm Springs, previously known as The Settlement. The project consists of 14 lots on 26 acres. The proposal does have sensitive lands over part of the property and it is in an area where a future planned collector road will be built along with an accompanying trail. The 600 N. collector road that is a part of this development is an important connector road for the City. There are few east-west connections and this is one of the last options available on the north section of town. Since 1977 this road has been part of the City's Transportation Master Plan. This property has been known as The Settlement for the past two times that it was proposed for development. Those plans consisted of 36 lots in a Planned Unit Development then last year it was proposed with 11 lots. Neither of those two plans currently have any entitlement.

The City Council granted preliminary approval on December 11, 2013 but there are ten issues that they would like to be addressed before the item returns to the City Council for final approval. These items include the following:

1. Street cross section – The developer is proposing that the City approve a rural cross section for the project instead of a more urban cross section. The City Council instead approved an urban cross section that includes curb, gutter, and a sidewalk while the rural cross section would have a swell instead of the curb and gutter with an 8' wide hard surface trail on the north side of the road.
2. Trail – The developer proposed an 8' paved trail be constructed through the property. The City Council approved the trail to be 6' wide concrete trail.
3. Basements – Basements will not be allowed in the subdivision. This is based on the possibility of disrupting unground water in the area. Foundations will not be allowed to break the pot rock under the dwellings sites. The foundations will be placed on the pot rock and the final grade will need to be at a depth to meet frost depth requirements.
4. Clay dams – Clay dams will be constructed as needed when water is encountered on the property. They will serve as a barrier to keep the water in its original location if a disturbance occurs through construction.
5. Saw cuts – Excavation for infrastructure will use saw cuts instead of hammering. This should reduce the chance of fracturing the rock which could disrupt the underground hydrology in the area.
6. Irrigation ditch – The irrigation ditch that crosses the property is owned by the Midway Irrigation. The developer would like to reroute the ditch and create a water feature along the road. The irrigation company will make a final decision if this will be allowed. They will decide where it is located and if it will continue to be an open ditch or if it will be piped.
7. Landscape plan – A landscape plan will be required for open space areas. Also a bond will be required to ensure the landscaping is installed as per plan.
8. Fence line agreements – There are two fence lines in contention on the property. Fence line agreements will need to be signed before the plat is recorded.
9. Access agreement – A neighboring land owner has claimed there is an access agreement for lot 1 of the Pope Small Subdivision. She would like the easement shown on the plat. The City Council has asked that she provide documentation of the agreement before the easement is included on the plat.

10. Road escrow – The far west end of 600 N will not be constructed initially until the road connects to the west. The developer will be required to place the estimated amount of the road in an escrow account. The funds will be used once the road is constructed in the future.

ANALYSIS:

Master Road Plan – The City’s master road plan has a collector road planned that crosses the proposed development from Center Street to Pine Canyon Road. This is an important street for the City because of the lack of east west roads in the City. The City has planned on this road since at least 1977 and this location is the best location for this collector road. It is important that the City secure the right-of-way and also assure that the road is constructed when development occurs. This has become a complicated issue because the Homestead Golf Course has an easement over an area where the road will need to cross. The City, the developer, and Steve Eddington of The Homestead have worked diligently to try to solve the issue of how to build the road without reducing the requirements that the golf course has for Hole 15. Through cooperation it was decided to move the street farther north. This will work but it will involve the cooperation of two additional land owners and potentially the expense to the City will be greater because of the acquisition of the land, and possibly, because of the construction of the road. This is the current and preferred plan adopted by the City Council last year. Basically the plan is for the road to be placed 10’ on the golf course easement and 40’ north on the Doxy property to accommodate the 50’ right-of-way easement.

Cul-de-sac length limitation – The City has a cul-de-sac limitation of 500’. The current proposal reaches a length of about 1300’ feet in length. This does meet the fire districts standards but City Council will need to approve the extended length. When 600 North is completed to Pine Canyon Road then the cul-de-sac length will be reduced to just over 300’ in length. Because of the nature of the collector street and the fact that it will eventually connect to Pine Canyon road staff feels that this is an acceptable plan.

Wetlands – There are delineated wetlands on the property that cover mostly the southern area near The Mound. These areas will be shown on the plat and cannot be disturbed. A building envelop or 25’ setback boundary will be placed on each lot that has wetlands so that no future buildings will be allowed on those sensitive land areas. Also a note will be placed on the plat that will explain that landscaping or disturbance of any kind will not be allowed in the wetlands areas.

Ridgeline Overlay Area - The City has a ridgeline overlay area on some of the property. The area of The Mound is an elevated hill that is visible from many surrounding properties. The City code will not allow construction on or near The Mound that will allow any part of a structure to rise above the ridgeline when viewed from specific vantage points in the City.

POSSIBLE FINDINGS:

- The proposal does meet the requirements for the R-1-15 zone.
- The proposal seems to comply with the vision as stated in the General Plan for the area.
- Temporarily the road will exceed the cul-de-sac length limitation of 500' but as the road is completed in the future it will connect to Pine Canyon Road and length will no longer be an issue.

ALTERNATIVE ACTIONS:

1. Recommendation for 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. Reasons for approval
 - d. Place condition(s) if any
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

November 20, 2013

Midway City
Attn: Michael Henke
75 North 100 West
Midway, Utah 84049

Subject: The Settlement Subdivision –Preliminary Review

Dear Michael:

Horrocks Engineers recently reviewed the Submitted Plans for the Settlement Subdivision. The following issues should be addressed.

General Comments

- Generally this plan complies with the Midway City Construction Standards.

Water

- An 8-inch waterline will be installed within 580 North. This waterline will be connected to the existing 10-inch waterline within Center Street.
- The proposed 8-inch waterline should connect to the existing four-inch waterline located near the north property boundary. The existing four-inch waterline should be capped and abandoned as it connects to the existing 10-inch waterline near the 600 North and Center Street intersection.

Roads

- 600 North is a critical section of our Cities Master Road Plan. The construction of 600 North/580 North will benefit the Cities transportation system. In the future extension of this road to Pine Canyon should be required.
- 600 North is shown on the Cities Road Master Plan as a Local Collector Street with a right-of-way width of 56-feet and a pavement width of 34-feet. Due to the off-set intersection on Center Street, the curvilinear roadway alignment, and the continuous residential connections to the proposed roadway, we feel this section of road could be installed to our local street classification. The Local Street classification requires a right-of-way width of 50-feet and a pavement width of 30-feet.
- The preliminary plan proposes a rural cross-section for the roads within the development. Per our construction standards, the rural cross-section is only an option for streets classified as a Local Street, and requires the approval of both the Planning Commission and City Council.
- Because of the limited right-of-way, the west end of 580 North will not be constructed to the west property boundary. The developer should be required to provide to the City the cost of extending the roadway to the west property boundary.
- The plans show a 40-foot radius on the temporary cul-de-sac. Our City standards require a 45-foot radius on cul-de-sacs.

Trails:

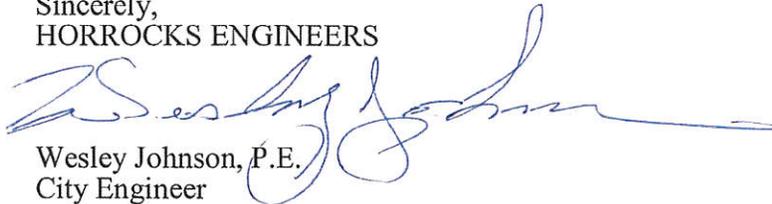
- The local street allows for an eight-foot trail on one side of the roadway and no trail or sidewalk on the opposite side of the road.
- In the future, this section of public trail is planned to connect to the existing eight-foot public trail within Midway Village Phase 2, located on the West side of Pine Canyon Road. As future right-of-way is discussed and obtained for the extension of 600 North, the right-of-way for the connection of these trails should also be obtained.

Storm Drain

- The storm water will be collected within the roadway and piped to a retention pond located on the rear of lot 5.
- Because the roadway is a public road the storm drain system, including the retention pond, will be public system requiring access by our City employees.
- An easement and continuous access should be provided to the retention pond. Landscaping limitations within the access easement should be established and recorded.
- Landscaping allowances and restrictions within the retention pond should be established and recorded.

Please feel free to call our office with any questions.

Sincerely,
HORROCKS ENGINEERS

A handwritten signature in blue ink, appearing to read 'Wesley Johnson', is written over the typed name and title.

Wesley Johnson, P.E.
City Engineer

cc: file
Berg Engineering

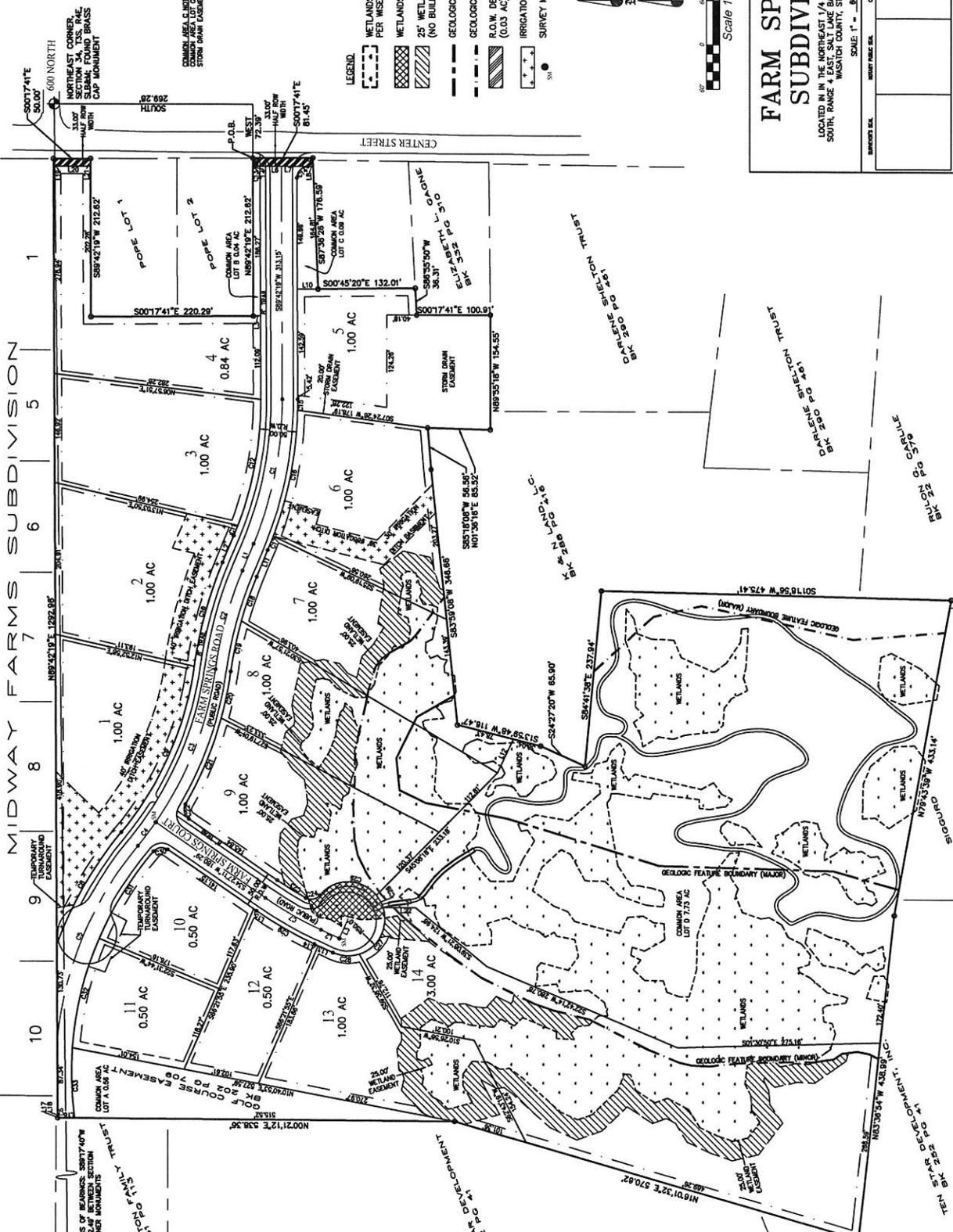


Google earth

Imagery Date: 6/4/2013 40°31'11.67" N 111°28'28.59" W elev 5651 ft eye alt 8504 ft

1993

MIDWAY FARMS SUBDIVISION



- LEGEND**
- WETLANDS DELINEATION PER WISE EARTH
 - WETLANDS REMOVED (0.10 ACRE)
 - 25' WETLAND EASEMENT (NO BUILDING ALLOWED)
 - GEOLOGIC FEATURE BOUNDARY (MAJOR)
 - GEOLOGIC FEATURE BOUNDARY (MINOR)
 - R.O.W. DEDICATION TO MIDWAY CITY (0.10 AC)
 - IRRIGATION DITCH EASEMENT
 - SURVEY MONUMENT



FARM SPRINGS SUBDIVISION

LOCATED IN THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, MIDWAY CITY, WASHINGTON COUNTY, STATE OF UTAH

SCALE: 1" = 80.0 FEET

SHEET 2 of 2

| | | | |
|-----------------|----------------------|------------------------|-----------------------|
| SURVEYOR'S SEAL | CITY ENGINEER'S SEAL | COUNTY ENGINEER'S SEAL | RECORDING OFFICE SEAL |
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NORTH 1/4 CORNER SECTION 34, T3S, R4E, S34T34N SURVEY MONUMENT COUNTY SURVEY MONUMENT

COMMON AREA C. HOTEL, CAP MONUMENT STORM DRAIN EASEMENT

COMMON AREA C. HOTEL, STORM DRAIN EASEMENT

DATE OF SURVEY: SEP 11 2005

SURVEYOR: BING CHRISTENSEN, R.L.S.

HEBERT CITY, UTAH 84032

PHONE: (435) 654-0229

FARM SPRINGS SUBDIVISION PLAT - 10 DECEMBER 2013

Public Hearing for proposed General Plan
Amendment of the Moderate Income
Housing Element (pages 41-44). The
proposed amendment would modify the
language in this section of the General
Plan.



PLANNING COMMISSION STAFF REPORT

DATE OF MEETING: December 18, 2013
NAME OF APPLICANT: Midway City
AGENDA ITEM: General Plan Amendment

ITEM: 5

Public hearing for a proposed General Plan Amendment to the City's General Plan. The proposed change would modify the Moderate Income Housing Element of the Midway City 2011 General Plan (ppgs 41-44) to replace references to Affordable Housing with Moderate Income Housing; to clarify where multi-family dwellings are allowed; to make Moderate Income Housing a voluntary effort; and to confirm that the existing inventory of Moderate Income Housing provided by naturally occurring zoning districts, mixed uses and voluntary inclusionary zoning is sufficient to provide an adequate supply of Moderate Income Housing.

BACKGROUND:

Midway City has an adopted General Plan from 2011. One section of the plan addresses the Moderate Income Housing Element. Other municipalities have modified or are in the process of modifying their ordinances regarding Moderate Income Housing which have proven difficult to enforce or monitor. Staff has discussed this issue with the Planning Commission on several occasions.

ANALYSIS:

Utah law requires that municipalities, through the general plan process, include a plan for Moderate Income Housing addressing the following five issues: 1) An estimate of the existing supply of Moderate Income Housing located within the municipality; 2) An estimate of the need for Moderate Income Housing in the municipality for the next five years as revised bi-annually; 3) A survey of total residential zoning; 4) An evaluation of

how existing zoning densities affect opportunities for Moderate Income Housing; 5) A description of the municipality's program to encourage an adequate supply of Moderate Income Housing.

Staff has reviewed the language of the Moderate Income Housing Element, and finds the following: there are approximately 350 residential units that meet the definition of Moderate Income Housing in the City. This equates to approximately 18% of the total housing units according to the 2010 Census. The City's Moderate Income Housing is available in a combination of Resort Zone condominiums, Planned Unit Development townhomes, trailers and smaller houses (including duplexes) in the R-1-7 and R-1-9 residential zones. This information is reflected in the Current Inventory box.

As a result of the review, Staff is recommending a number of changes as well. In the Survey of Residential Zoning section, the R-1-9 zone has been added to accurately reflect the zoning code. In the Evaluation of Zoning's Effect on Housing Opportunities section, a description of the types of housing which comprise the Moderate Income Housing in Midway has been added. In the Program to Encourage Moderate Income Housing section, Moderate Income Housing is now described as 'voluntary' and there is a reference to "up to a 5% density bonus for developers who wish to participate". All references to Affordable Housing have been replaced by Moderate Income Housing. Summary bullet points in the box titled "Midway's Moderate Income Housing Ordinance" have been updated to reflect methods of contribution preferred by the City in this amendment. Moderate Income Housing Objectives Goals, Objectives, and Policies have been updated and revised.

The General Plan is a guiding light for the community and is developed to help the city grow in a manner that is harmonious with that plan. A general plan should be a vision that has been created by the citizens of the community of what the City should become as it grows and develops. When decisions arise it is essential that decision makers review the General Plan and base any decisions made from what it outlined in that document.

Title 16, Chapter 16.20 of the Midway City Municipal Code Affordable Housing has recently been considered by the Planning Commission. The Planning Commission recommended that the chapter be deleted in its entirety and that issues related to Moderate Income Housing become voluntary and addressed through the General Plan. This necessitates an amendment to the General Plan. The City Council will consider the revisions to Title 16 together with this General Plan Amendment once the Planning Commission makes its recommendation on the General Plan Amendment.

This item was noticed in the Wasatch Wave for two weeks and noticed on the State's webpage. Notice was also posted in three public locations around the City.

PROPOSED FINDINGS:

1. The recommended changes are consistent with the requirements of state law which require that municipalities, through the general plan process, have a plan for moderate income housing addressing five issues.
2. The recommended changes comply with the five issues.

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



Midway

Moderate Income Housing Element

Midway City 2011 General Plan

(Amended 2014)

Introduction

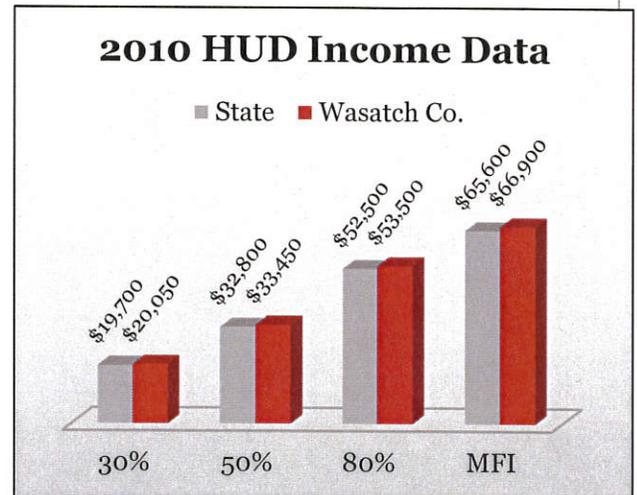
Utah law requires that municipalities, through the general plan process, include a plan for moderate income housing addressing the following five issues:



1. An estimate of the existing supply of moderate income housing located within the municipality.
2. An estimate of the need for moderate income housing in the municipality for the next five years as revised bi-annually.
3. A survey of total residential zoning.
4. An evaluation of how existing zoning densities affect opportunities for moderate income housing.
5. A description of the municipality's program to encourage an adequate supply of moderate income housing.

Moderate Income Housing Defined

Moderate income housing is defined as "...housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the metropolitan statistical area (county) for households of the same size". The 2010 moderate income level for Wasatch County is \$53,500 for a family of four. The inventories below are based on an affordable housing model and the 2010 moderate income level of Wasatch County.



The Current Inventory

MI Households = approximately 350
2010 Census Housing Units = 1982
Percent of available MI Housing in 2013 = 18%



Midway

Moderate Income Housing

Midway City 2011 General Plan

Survey of Residential Zoning

The City has six zoning classifications which allow for residential uses. Minimum lot sizes range from 7,000 square feet to one acre. Multi-family dwellings are allowed in the R-1-7 and R-1-9 zones. There is also existing R-1-7 residential use and mixed use development in the C-2 and C-3 zones. Due to its environment and history, most of the homes within Midway are single family dwellings. The Land Use Element of this plan describes the various land use designations as well as the amount of developable land within each designation and the total land area of the City.

Evaluation of Zoning's Effect on Housing Opportunities

The Midway Planning Commission and City Council hold one of the many keys to providing housing opportunities for persons of moderate income. The key the City holds is zoning. Midway allows a variety of lot sizes that can lead to different housing opportunities. However, market conditions and supply and demand have the most significant impacts on affordability. With such a high quality of life, Midway has become a very desirable place to live. Recreational opportunities have drawn many to purchase second homes within the City. Both of these factors have driven land and home prices to the point where zoning modifications have less effect on affordability that they may in other locations. The sales price of the lot does not necessarily reduce in direct proportion to a reduction in lot size. Condominium Resort Zone developments, Planned Unit Development Townhomes and smaller houses (including duplexes) in the R-1-7 and R-1-9 residential zones comprise the majority of the Moderate Income Housing available in Midway.

Program to Encourage Moderate Income Housing

Wasatch County and Midway City have recognized that affordable housing Moderate Income Housing is a significant issue in the area. In order to meet that demand, the City has adopted an a voluntary Affordable Housing Moderate Income Housing ordinance. The ordinance provides up to a 5% density bonus for developers who choose to participate. that requires housing available to those making less than 80% Median Family Income (MFI) be a part of every residential project.

~~Zoning and development codes will be reviewed to look for barriers that may impede such activities and lead to more housing opportunities. All resort developments will be required to provide workforce housing.~~

Midway's Moderate Income Housing Affordable Housing Ordinance requires each development to contribute to the stock of affordable housing within the area. Below are the methods of contribution preferred by the City.

1. Affordable housing be built and integrated into every subdivision
2. Affordable housing be built within the County.
3. Pay the fee in lieu. (All fees collected are given to the Wasatch Housing Authority to encourage housing affordability.)
4. Naturally occurring small lots/houses (including duplexes) in the R-1-7 and R-1-9 zones
5. Mixed use development in the C-2 and C-3 zones
6. Voluntary inclusionary zoning



Moderate Income Housing Objectives

Goal 1: Assure that options for affordable housing Moderate Income Housing are available in the City.

Objective 1: Work with property owners and developers to encourage voluntary development of the amount and type of housing that accomplishes the community's diverse housing needs. General Plan goals, including negotiating development agreements in which providing deed restricted affordable housing serves as part of the public benefit justifying the agreement.

Policy 1: Apply the density bonus provisions in the Development Code for additional dwelling units. If density bonuses are approved, they should be allowed only when they supply housing for clearly expressed community needs, and should be coupled with limitations on the future use and sale of housing units.

Policy 2: Provide mechanisms to permit flexibility and innovation in residential project design, to promote land use efficiency and environmental protection.

Objective 2: Develop regulations that require a percentage of low and moderate income housing with the approval of new residential subdivision developments.

Policy 3: Midway prefers Support voluntary inclusionary zoning in all subdivisions that require compliance with the affordable housing ordinance.

Objective 3: 2: Mitigate the impact of commercial developments upon the current housing needs of the City.

Policy 1: Encourage mixed-use developments in appropriate locations near in commercial centers.

Policy 2: Examine land use regulations to explore options for additional mitigation measures to obtain adequate affordable housing Moderate Income Housing in the community.

Policy 3. Support rehabilitation and re-development in the R-1-7 and R-1-9 zones.



Moderate Income Housing Objectives

GOAL 2: ~~Affordable housing~~ Moderate Income Housing is an issue which Midway needs to address in cooperation with Wasatch County.

Objective 1: Housing development should mostly occur within the City limits, however, some housing growth is expected to occur in the county.

Policy 1: Work jointly with Wasatch County to identify where residential development capacity exists to accommodate expected growth.

Policy 2: Work jointly with Wasatch County to determine where ~~affordable housing~~ Moderate Income Housing should be located and how costs can be minimized.

Objective 2: Encourage discussions about ~~affordable housing~~ Moderate Income Housing to explain and educate the community about the need for affordable housing in terms of providing housing for persons who work in Midway, but cannot afford to live here, and persons who live in Midway but cannot afford to purchase a home.

Policy 1: ~~Affordable housing~~ Moderate Income Housing is an investment in a vital community and insurance of a locally-based work-force.

Implementation

- Regularly update the Moderate Income Housing Element and ~~Affordable Housing Model~~ to determine the housing needs for all groups, to quantify specific housing needs, and to identify solutions to housing problems.
- Review zoning ordinances and standards for barriers to the development of moderate income housing.