

## Midway City Planning Commission Regular Meeting Minutes April 9, 2019

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., April 9, 2019, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### Attendance

Jim Kohler – Chairman  
Kevin Payne– Vice Chairman  
Jeff Nicholas  
Bill Ream  
Nancy O’Toole  
Rob Bouwhuis  
Heather Whitney

### Staff

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

### Excused

Natalie Streeter  
Jon McKeon

### 7:00 P.M. Regular Meeting

#### Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
  - Invocation was given by Chairman Kohler
  - Chairman Kohler led the Pledge of Allegiance

#### Item 1:

Review and possibly approve the Planning Commission Meeting of March 12, 2019.

**Motion:** Commissioner O’Toole: I move that we approve the Planning Commission meeting minutes of February 12, 2019.

**Seconded:** Commissioner Ream:

**Chairman Kohler:** Any discussion the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Payne, Nicholas, O’Toole, Ream, Whitney (Rob Bouwhuis not present)

**Nays:** None

**Motion: Passed**

#### Item 2:

Brett Walker is requesting Preliminary approval for the Lime Canyon Meadows Subdivision. The proposal is a large-scale subdivision located on two acres and will contain four lots. The property is located at 960 Lime Canyon Road and is in the R-1-22 zone.

**Planner Henke gave a presentation**

## Land Use Summary

- 2-acre parcel
- R-1-22 zone
- Proposal contains four lots
  - Each lot is 0.5 acres
- Access from Lime Canyon Road
- The lots connect to the Midway Sanitation District's sewer line, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

## Discussion Items

- Drainage and hydrology study
- 60' transmission line easement
- Homestead Irrigation Easements

## Possible Findings

- The proposal does meet the intent of the General Plan for the R-1-22 zone
- The proposal does comply with the land use requirements of the R-1-22 zone

## Proposed Conditions

- Preliminary approval is not granted until a drainage/hydrology study is approved by the City.
- Rocky Mountain Power approves language on the plat regarding the transmission line easement.

## Commissioners and Staff Comments

Commissioner O'Toole asked if the driveways would be required as a hammerhead type driveway? Michael, no requirement for a turnaround, but hoped that the owners would do that on their own as they would have the room if they chose to do so.

Commissioner Payne- lot 2 meets the letter of our code but was it ever considered that they could have a different lot line in the back of the property. Michael Henke stated that it would require a plat amendment in order to do it. Brett Walker stated that when looking at lot 2 it was a thought that jog could give the owner an opportunity to use the ground and give them a spot to place an outbuilding.

There was a discussion regarding the possible flooding to the homes to the south and would a berm help with that relieve that possibility for such a flooding event.

**Motion:** Commissioner Payne: I make a motion to recommend to City Council that we accept the preliminary approval for the Lime Canyon Meadows Subdivision. The proposal is a large-scale subdivision located on two acres and will contain four lots. The property is located at 960 Lime Canyon Road and is in the R-1-22 zone. Accept the staff report and staff findings and accept the two proposed conditions of preliminary approval is not granted until a drainage/hydrology study is approved by the City and Rocky Mountain Power approves the

language on the plat regarding the transmission line easement.

**Seconded:** Commissioner O'Toole

**Chairman Kohler:** Any discussion on the motion?

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Payne, Nicholas, O'Toole, Whitney, Ream, Bouwhuis

**Nays:** None

**Motion: Passed**

**Item 3:**

Mike Johnston, agent for Wellness Properties LLC, is proposing the Dutch Draw annexation which contains 6.62 acres. The Property is located on the northside of the intersection of River Road and Dutch Canyon Road.

**Planner Henke gave a presentation**

**Land Use Summary**

- 6.62-acre parcel
  - Current plat lot 1 – 1 acre
  - Current plat lot 2 – 4.48 acres
  - Abegglen parcel – 1.14 acres
- Proposed plat
  - Current plat lot 1 – 1 acre
  - Proposed plat lot 1 – 1.52 acres
  - Proposed plat lot 2 – 1.83 acres
  - Proposed plat lot 3 – 2.27 acres

**Requirements**

- The petition was filed with the city recorder of the proposed annexing municipality.
- On the date of filing, the petition sponsors delivered or mailed a copy of the petition to the clerk of the county in which the area proposed for annexation was located.
- It was accompanied by an accurate and recordable plat map prepared by a licensed surveyor.
- It designates up to five of the signers as sponsors, one of whom is designated as the contact sponsor, and indicates the mailing address of each sponsor.
- It contains the signatures of property owners that cover a majority of the private land area within the area proposed for annexation.
- It contains the signatures of property owners that are equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation.
- It does not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.
- If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:
  - Along the boundaries of existing local districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries

follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;

- To eliminate islands and peninsulas of territory that are not receiving municipal-type services;
- To facilitate the consolidation of overlapping functions of local government;
- To promote the efficient delivery of services; and
- To encourage the equitable distribution of community resources and obligations.

### **Possible Findings**

- The City will gain control over land use and zoning if the area is annexed.
- The proposal is a legislative action.
- A 100' structure setback along River Road may be required by the City which would help promote the vision and goals of the General Plan.
- The City will better have control over the River Road entry corridor if the property is annexed.

### **Proposed Conditions**

- Petitioner must provide information regarding a study or mitigation plan to address the issue of drainage from Dutch Canyon across the property and potential flooding.
- A setback of 100' is required for all structures along River Road which will be noted on the future plat.

### **Commissioners and Staff Comments**

Engineer Wes Johnson asked the commission if they wanted to add a 10-foot easement along River Road for a possible future trail, not that it would ever be used

Commissioner O'Toole asked if parks and rec funds could be added because this is an annexation? Michael Henke stated that yes, it is about \$589 for each acre and the petitioner would be obligated to pay that fee.

Commissioner Whitney stated that this would be a negative on the resort tax. We control the density and the setbacks Impact fees.

Commissioner Nicholas asked about driveways off River Road and Michael stated that he would have to look further, but felt that they would not like

Commissioner Payne asked about fencing and the 100-foot setback. There is not a requirement to have open space in this type of subdivision. Michael Henke stated that a condition could be that we restrict site obtrusive fencing.

A discussion ensued about the current values of the park funds to past values and should the fees be adjusted for inflation and etc.

Mike Johnston from Summit Engineering gave a short presentation.

No part of the annexation are they asking that River Road will be part of the annex.

The intent of the road being in the middle of the three lots is that it would be a lane that all three homes would use it as an access point for their driveways. He is not willing to restrict the owners of choosing where their driveways would be, and this is the intent of the lane.

He addressed that the draining potential. There is not a creek and is willing to look at the possible drainage issue and how to address it.

He discussed that having a 100-foot setback and if the commission wants a 100-foot setback that it would eliminate most of lot 2.

Commissioner Bouwhuis stated that there could be other ways around using the country lane in the middle. With the setbacks of 100 feet the owner isn't going to want to push their homes at the edge of the country lane.

Commissioner Payne stated that he liked that this plan, and should always be encouraged for lower density which is what Midway City wants and encourages.

### **Public Comments Closed**

**Motion:** Commissioner Bouwhuis: I motion that we approve the Dutch Draw annexation which contains 6.62 acres. The Property is located on the northside of the intersection of River Road and Dutch Canyon Road. That we accept staff findings and have the following conditions, 2 listed conditions in the report that petitioner must provide information regarding a study or mitigation plan to address the issue of drainage from Dutch Canyon across the property and potential flooding, a setback of 100' is required for all structures along River Road which will be noted on the future plat, a 50-foot setback for fencing along River Road, 15-foot trail easement along River Road, contributions for park funds with the value be determined escalation based on inflation, 3 lot subdivision with no access on River Road and site triangle be addressed as determined per the City engineer.

**Seconded:** Commissioner O'Toole:

**Chairman Kohler:** Any discussion on the motion?

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Payne, Nicholas, O'Toole, Whitney, Ream, Bouwhuis

**Nays:** None

**Motion:** Passed

### **Item 4:**

Luster Development, agent for Tom Whitaker, is proposing final approval of the Whitaker Farm Subdivision. The proposal consists of 50 lots on 80 acres and contains 20 acres of open space. The property is located at 455 North River Road and is in the RA-1-43 zone.

**Planner Henke gave a presentation**

## **Land Use Summary**

- 80-acre parcel
- RA-1-43 zoning
- Proposal contains 50 lots
- Public roads
- Public trails
- 2 accesses from River Road
- 20 acres of open space
- The lots will connect to Midway City's culinary water line, MSD's sewer line, and Midway Irrigation Company's secondary water line

## **Discussion Items**

- Open space (25%) and lot size proportional reduction
- Traffic Study
  - River Road improvements
- Geotechnical Report
- Public Trails
- Sensitive lands
- Road Cross Section
- 20-acre Whitaker parcel
  - 12 Whitaker future units and the currently proposed 50 lots will be one HOA
  - 1 HOA for all 62 units
- Memorial Hill Access
- Landscaping Plan
  - Prairie grass
  - Roundabouts landscaping

## **City Council Preliminary Approval**

- RA-1-43 zoning standards
  - Lot 1 must be adjusted
- County Council approval
  - Veteran's approval
- Revised landscaping plan
  - Roundabouts landscaping
  - Prairie grass maintenance plan
- Recalculated water requirement
  - Trail width from 8' to 6'
- Amended annexation agreement has yet to be signed and recorded

## **Water Recommendation**

- 83.64 acre parcel
  - Area of lots & open space
    - 72.26 acres Impervious area of 51 lots
    - 9.37 acres (51 x 8,000 sq. ft. = 408,000 sq. ft.)

- Irrigated lot area
  - 62.89 acres
- Open Space
  - 24.33 acres
- ROW - park strip
  - 1.9 acres
- Total irrigated acreage
  - $62.89 + 1.9 (64.79 \times 3) = 194.37$  acre feet
- 51 culinary connections
  - $51 \times 0.8 = 40.8$  acre feet
  - 235.17 acre feet requirement

### **Possible Findings**

- The proposed development does appear to comply with the requirements of the RA-1-43 code except for lot 1
- The proposal does not have County approval for a new access to Memorial Hill
- The amended annexation agreement has not been signed
- The developer is providing 10% more open space than required by code
- Final landscaping plans have not been submitted to the City for the two River Road roundabouts

### **Proposed Conditions**

- The developer must present and receive approval from the County Council of an access plan to Memorial Hill before final approval is granted.
- Any lots with sensitive lands must have a building envelope included on the plat showing approved structure locations.
- More information must be submitted regarding the proposed landscaping in the meadow and how it will be maintained.
- A final landscaping plan must be submitted and reviewed by the City staff for the two River Road roundabouts.
- Lot 1 must be adjusted on the final plat to comply with the minimum requirements.

### **Commissioners and Staff Comments**

Dan Luster stated that the process has taken a lot of time and gave a presentation to address some of the issues that were brought up in the meeting.

- Roundabout design and entrance to Memorial Hill and moving the sign at the entrance.
- Roundabout dimensions, bike lane crossings, trail crossings
- Presented a video with a simulation of the drive around the roundabout to demonstrate the flow, and bike lanes
- Minimum Landscaping of the roundabouts
- Prairie grass concern, agricultural theme, trails and ponds, grazing, mowing once per month or as needed
- Amenities being Considered- Old stone barn with sheep to create an agricultural

experience, barn to be used as a pavilion (not commercial), pool, tennis courts

Engineer Wes Johnson asked about the maintenance of the trees along the roads in the subdivision and Dan Luster stated that the HOA would maintain them and the only maintenance needed by public works would be the two roundabouts on River Road.

There was a discussion regarding the width of the road from 30 feet of asphalt and 2 feet of ribbon curb to 26 and 2 feet of ribbon curb and the commission could approve that because it is not a construction standard. The savings could be used for additional bike lane, because those funds would be given to the city. Dan Luster would prefer a narrower road and would be happy for that change.

Dan Luster stated that the landscape plans that were shown in this meeting are minimal and that a more intensive version before the City Council and would be bonded to that landscape plan.

**Motion:** Commissioner Nicholas: I motion that we recommend approval, proposing final approval of the Whitaker Farm Subdivision. We accept staff findings with the five conditions listed in on the Power Point Presentation Slide that are noted in the report along with the condition that engineering plans be submitted and approved prior to scheduling this item to City Council, and the condition of reducing the width of the cross section and asphalt to 26 feet and the savings to be used by the city for trails and bike paths. The proposal consists of 50 lots on 80 acres and contains 20 acres of open space. The property is located at 455 North River Road and is in the RA-1-43 zone.

**Second:** Commissioner Payne

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Payne, Nicholas, O'Toole, Whitney, Ream, Bouwhuis

**Nays:** None

**Motion: Passed**

#### **Item 5:**

Paul Berg, agent for DPW Heber Inc., is requesting a Master Plan amendment for the Saddle Creek Ranch Planned Unit Development. The proposal is a large-scale subdivision that is 32 acres in size that would be developed in four phases containing a total of 36 lots. The property is located at 970 South 250 West and is in the R-1-22 zone.

#### **Planner Henke gave a presentation**

#### **Land Use Summary**

- Recorded Plat - Recorded on September 5, 2007
  - 34.35 acres
  - Planned Unit Development
  - 57 building pads
  - 50% open space (17 acres)
  - Private roads

- Proposed Master Plan
  - 31.99 acres
  - Large-scale standard subdivision
  - 36 lots
  - 0.5 acre minimum
  - 19.32% open space (6.18 acres)
  - Public roads
- Four phases
  - Phase 1 – 9 lots
    - 3.26 acres of open space
  - Phase 2 – 13 lots
    - 2.92 acres of open space
  - Phase 3 – 4 lots
  - Phase 4 – 10 lots

### **Discussion Items**

- Density reduction of 21 dwellings
- Financial impact of a PUD vs a standard subdivision
  - Public vs private roads
- Setbacks from 970 South and 250 West
- Potential view impacts from surrounding properties
- Timing of on-site and off-site improvements
  - Current approval is one plat while proposal will be phased
  - Traffic impact fee reimbursement of \$156,750
- Timing of approvals
- Affordable housing - \$2,800 per unit
- Water extension line agreements
  - 250 West - \$5,776.38
  - Center Street - \$40,943.39
- Trails and public access
- Removal of 2.36 acres
- Water rights for the acreage is owned by the City

### **Possible Findings**

- The proposed master plan appears to meet the requirements of the code except for street lengths.
- The proposal does meet the vision as described in the General Plan for the R-1-22 zone.
- The General Plan supports reducing density in Midway wherever appropriate
- The proposal contains 21 less lots than the recoded PUD subdivision

### **Proposed Conditions**

- Master plan approval along with preliminary and final approval of the phases may be approved but no construction is allowed until the transmission lines are moved or buried.
- All trails in the development are public or have a public access easement.

### **Commissioners and Staff Comments**

## Commissioners and Staff Comments

Carl Berg with Berg Engineering stated that he wanted to talk about the public easements. The easement would be maintained by the HOA in the center and would like to not give an easement to the city. Which means that it would be the owners would have the liability and not the city if the path is not properly maintained.

Commissioner Payne is opposed about fencing. Carl Berg does not want a fencing requirement and the precedence does not require it.

Commissioner Payne would like a condition to put in that a simple disclosure on any purchase and seller agreement to any potential buyer of the possible increase of the height power increase.

Commissioner Whitney would like to see a soft berm along 250 and 970 to soften the fencing issue.

**Motion:** Commissioner Ream: I move to recommend approval to city council a Master Plan amendment for the Saddle Creek Ranch Planned Unit Development. The proposal is a large-scale subdivision that is 32 acres in size that would be developed in four phases containing a total of 36 lots. The property is located at 970 South 250 West and is in the R-1-22 zone. Incorporate staff findings with the two conditions in the staff report, modifying the trail condition that the interior trails will not have a public access easement. Water extension agreements reflect the current number of units and that the lots on 250 W and 970 South do not have solid fencing. That the Affordable housing fee be waived but no traffic impact fees would be reimbursed, developer disclose to prospective buyers the plan of Rocky Mountain Power and Heber Light and Power.

**Second:** Commissioner Nicholas

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Nicholas, O'Toole, Whitney, Ream, Bouwhuis

**Nays:** Payne

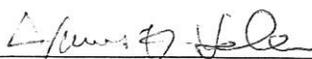
**Motion: Passed**

## Item 6 and 7: Applicant withdrew request

Adjournment

**Motion:** Commissioner O'Toole

10:50 pm

  
Chairman – Jim Kohler

  
Admin. Assistant – Melannie Egan