

## Midway City Planning Commission Regular Meeting Minutes May 12, 2020

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., May 12, 2020, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### Attendance

Jeff Nicholas – Chairman  
Rob Bouwhuis– V Chairman  
Bill Ream (Zoom)  
Michelle Crawford (Zoom)  
Jon McKeon  
Heather Whitney

### Staff

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

### Excused

### 6:00 P.M. Regular Meeting

#### Call to Order

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

#### Item 1:

Review and possibly approve the Planning Commission Meeting of March 10, 2020.

**Motion:** Commissioner Bouwhuis: I move that we approve the Planning Commission meeting minutes of February 12, 2019 with the changes that Melannie Egan read out loud.

**Seconded:** Commissioner Whitney

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

**There was none**

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream Bouwhuis, McKeon, Whitney, Simons and Crawford

**Nays:** None

**Motion: Passed**

## **Item 2:**

Kirk Malmrose, agent for John Zenger Trust, is proposing a Master Plan and Annexation Agreement Amendment for Midway Vistas. The property was annexed into Midway as part of the Zenger Annexation and was formerly known under the names of Murano and Malmrose. The property is 84.15 acres and contains 49 lots. There are 25.39 acres of open space in the proposal. The property is located at 285 Luzern Road and is in the RA-1-43 zone.

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

#### **Midway Vistas Land Use Summary**

- 83.19 acres
- RA-1-43 zone
- Annexed on June 27, 2007
- Limited to 49 lots
- 3 phases
- Private Streets (public easement)
- Public Trails including some off-site trails
- Open Space
- 25.39 acres (30.52%)
- Sensitive Lands

#### **Discussion Items**

- Open space
- 15% required
- 30% proposed
- Lots may reduce in size and frontage by 15%
- Sensitive lands
- 25% slopes and greater
- Density limited to 49
- 1 HOA for all 3 phases
- Access
- Interlaken Road use agreement
- Interlaken dumpsters in Valais Park
- Public Trails
- Offsite trail requirement

#### **Water Board Recommendation**

- The Water Board has reviewed the master plan and has determined that 191.24-acre feet are required for the entire project.
- Secondary water meters

- Irrigation pumps required for 15 lots
- All the required water rights will be held in escrow before the master plan agreement is recorded.

### **Possible Findings**

- The proposal complies with the requirements of the code for standard subdivisions.
- The proposal does meet the vision of the area as described in the General Plan for the RA-1-43 zone.
- The public trails will be built by the developer that will be an amenity to the entire community.

### **Proposed Conditions**

- The developer will pay the cost of building a 300' section of trail along Homestead Drive that will take the place of the trail that City built along Burgi Lane that was originally required of the developer.
- Developer will propose potential locations for the Valais Park dumpsters in the boundaries of the master plan.
- All approved non-irrigated areas will be noted on the plats.
- A note is placed on the plats informing future owners that the 15 most elevated lots will each require an irrigation pump because they are located above the irrigation ditch.

### **Commissioners and Staff Comments**

There was a discussion regarding the trails, weather Interlaken would allow people to hike that trail. Michael Henke stated that Interlaken roads are public, and they would not be able to stop anyone for walking on the trail. Commissioner Bill Ream stated that he uses that trail all the time and it is beautiful.

In Michael Henke's presentation he talked about the dumpsters that are at Valet. The city would like to have the project find a spot near Interlaken Road and the entrance to the project. The dumpsters are used by everyone in the city and not just for the Interlaken residents, which is the intent for the dumpsters.

Jeff Nicholas stated that if he were a developer, he would be very unhappy that the city would ask for the dumpsters to be placed at the main entrance. Paul Berg stated that they feel that they had an agreement and moved them (the dumpsters) once already and they feel they have already met that obligation.

There was a short conversation regarding a 300 foot section of trail that the developer is obligated to provide from a previous agreement. Paul Berg stated that they are fine with that as it is like for like.

**Motion:** Commissioner Bouwhuis: I make a motion to recommend approval for Midway Vistas, Master Plan and Annexation Amendment. The property was annexed into Midway as part of the Zenger Annexation and was formerly known under the names of Murano and Malmrose. The property is 84.15 acres and contains 49 lots. There are 25.39 acres of open space in the proposal. The property is located at 285 Luzern Road and is in the RA-1-43 zone. We accept staff report and the list of conditions provided in the staff report as follows: The developer will pay the cost of building a 300' section of trail along Homestead Drive that will take the place of the trail that City built along Burgi Lane that was originally required of the developer. Developer will propose potential locations for the Valais Park dumpsters in the boundaries of the master plan and that a possible location would be the far east side of the property off Interlaken. We feel the burden of costs for the required infrastructure changes should be on Interlaken Estates and Midway City and not on the developer and that it is inappropriate to force the dumpsters to be located on the entrance to this development. All approved non-irrigated areas will be noted on the plats. A note is placed on the plats informing future owners that the 15 most elevated lots will each require an irrigation pump because they are located above the irrigation ditch.

**Seconded:** Commissioner McKeon.

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

Commissioner

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream Bouwhuis, McKeon, Whitney, Simons and Crawford

**Nays:** None

**Motion: Passed**

Rob Bouwhuis had to leave the meeting.

### **Item 3:**

Mike Harvie of the Ramp Group, agent for Cari Lane LLC, is proposing preliminary approval for Whispering Creek Estates. The proposal contains seven lots and is on about five acres. The property is located at 515 East Cari Lane and is in the R-1-15 zone.

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

#### **Land Use Summary**

- 4.81 acres
- R-1-15 zone
- 7 lots
- Sensitive lands

FEMA floodplain

50' setback

Wetlands

- Public roads
- 100' foot setback from Cari Lane

#### **Discussion Items**

- FEMA floodplain zones AE & X
  - 50' from 100-year flood zone (AE)
  - Limit basements in 500-year flood zone (X)
- Wetlands
  - Study must be approved by the US Army Corps of Engineers
- Stream Alteration Permit for lot 3 driveway
- 100' setback from Cari Lane
- Open space owned and maintained by lots 1 & 7
- Lot 3 boundary line
- Cosper subdivision

### **Water Board Recommendation**

- The Water Board has reviewed the proposed plan and has determined that 16.73-acre feet are required for the entire project.
- Secondary water meters

### **Possible Findings**

- The proposal does meet the intent of the General Plan for the R-1-15 zone
- The proposal does comply with the land use requirements of the R-1-15 zone
- Sensitive lands are on the property and setbacks will be included on the plat along with notes informing future lot owners of any risk

### **Proposed Conditions**

- A wetlands study must be submitted to the City for review and the Army Corps of Engineers must approve the study before preliminary approval is granted by the City Council.
- A stream alteration permit must be approved before final approval is granted by the City Council.
- A note shall be placed on the plat that advises future owners of lots 2, 4 and 5 of the potential flood hazards.
- The developer must build the driveway crossing to lot 3 as part of the subdivision infrastructure.
- To meet the 50' setback from the FEMA floodplain, the building pad for lot 4 must be adjusted.

### **Commissioners and Staff Comment**

There was a question regarding the 500-year flood plain. Michael Henke stated it is a low risk area and FEMA does not require flood insurance in that area, so they consider it a non-issue. There was a continued discussion regarding the flood plain and the risks of current buildings with basements that flood. The plat would clearly have a buyer beware note on the plat

regarding the flood plain.

Mike Harvie explained more about the flood plain. He stated that he would have to put in a storm drain. He explained about how the drainage pond and the creek helps with any potential flooding.

**Motion:** Commissioner McKeon: I make a motion that we continue the proposed preliminary approval for Whispering Creek Estates and accept the staff report and the findings. The reason for the continuance is because we have not received the pressurized irrigation report and storm drain plan that has been found by staff. It will need to be reviewed before we can move forward.

**Seconded:** Commissioner Whitney:

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

**There was none**

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, McKeon, Whitney, Simons and Crawford

**Motion: Passed**

Adjournment

**Motion:** Commissioner McKeon

**Second:** Whitney

8:30 pm

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Chairman – Jeff Nicholas

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Admin. Assistant – Melannie Egan