

Midway City Planning Commission Regular Meeting Minutes May 14, 2019

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., May 14, 2019, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jim Kohler – Chairman
Kevin Payne– Vice Chairman
Jeff Nicholas
Natalie Streeter
Nancy O’Toole
Heather Whitney
Rob Bouwhuis
Jon McKeon

Staff

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

Excused

Bill Ream

7:00 P.M. Regular Meeting

Call to Order

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

Item 1:

Review and possibly approve the Planning Commission Meeting of April 9, 2019.

Motion: Commissioner Streeter: I make a motion to approve the planning commission minutes of April 9, 2019.

Seconded: Commissioner O’Toole

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners:

Nays: None

Motion: Passed

Item 2:

Rocky Mountain Power and Heber Light and Power are requesting a Conditional Use Permit to rebuild an existing Heber Light and Power transmission line and install a 138kV line for Rocky Mountain Power that will be located on the Heber Light and Power poles. The proposal will establish a second transmission interconnection which will strengthen service reliability and increase capacity in Midway and the surrounding area. The portion in Midway is about one mile

in length and will following the existing transmission line along Wards Lane, Stringtown Road, and 970 South. The proposed tangent poles range in height from 70'-85' above ground and the dead-end poles and crossing poles range in height from 80' – 110' above ground.

Planner Henke gave a presentation

Proposed Conditional Use

- Rebuild existing HL&P (46-138kV)
- Install an RMP on the same poles (138kV)
- Establish a second transmission line interconnection
 - Strengthen reliability
 - Increase capacity in Midway and surrounding area
- About 1 mile of transmission line in Midway
 - Follow historic route
 - Stringtown Road, Wards Lane, and 970 South
- Pole heights would range from 70' – 80'
- Distribution and communication lines would be buried by HL&P

Code Proposal

- Midway adopted a transmission line code on 1-15-2019
- Transmission lines allowed as a conditional use
- Resident concerns
 - Aesthetics
 - Health
 - Property values

Potential other options (lack of)

Transmission Lines in Midway

- Judge Line (west of Homestead Drive)
 - Rocky Mountain Power
 - 1 mile
- 500 South
 - Heber Light & Power
 - 0.8 miles
- 970 South
 - Heber Light & Power
 - 1 mile

Submitted Documents

- Underground Transmission Cost/Feasibility Study
- Transmission Lines and Property Values: Review of the Research
- EMF Electric and Magnetic Fields Associated with the Use of Electric Power
- Powering Our Future: Summit Wasatch Electrical Plan Local Planning Handbook

Route

- Section.13.47 (D)(1)
 - Prefers transmission lines follow historic routes
 - Proposal is to follow existing route

Pole Height

- Section.13.47 (D)(2)
 - Prefers the shortest poles allowed by industry standards
 - All options should be considered for aesthetics and for harmonizing with the vision of the General Plan
 - Taller poles may reduce the number of poles required
 - Shorter poles may require the most amount of poles
 - Proposal is to replace existing 55'-65' poles with poles that are 70'-80' in height
 - All distribution and communication lines will be buried
 - Wood poles would be taller than metal poles

Types of Poles

- Section.13.47 (D)(3)
 - Limits the types of poles and focuses on the visual impact
 - No galvanized poles are reflective material is allowed
 - Pole color and material will focus on minimizing the visual impact
 - Wood poles or metal poles are options
 - Wood poles would be taller than metal poles
 - If metal poles are chosen, then the City may determine the color
- Section.13.47 (D)(4) Any reasonable conditions may be imposed.

Burial of Transmission Lines

- Section.13.47 (E)
 - Allows the City to require the burial of transmission lines and distribution lines
 - Application states that distribution and communication lines will be buried
 - If transmission lines area required to be buried
 - Cost must be considered
 - The City or some other source must pay the difference in cost
 - Must be paid within 30 days of the start of construction
 - Limited time allowed to pay the difference in cost creates complications that would need to be considered

Possible Findings

- The proposal is an administrative review and approval
- The proposed use is a conditional use and the city may impose reasonable conditions to mitigate identified issues
- The proposal includes taller poles that will be visible to the residents of Midway, visitors

- of Midway, and the surrounding residents of Wasatch County
- The distribution and communication lines will be buried to help declutter the current transmission line situation, and reduce the weight being carried by the poles, thus reducing poles in the area
 - The proposal will create a second point of power access that will benefit the residents of the valley
 - The proposal will allow more power to enter the valley that will benefit the entire community by meeting community needs

Proposed Conditions

As the review process continues, conditions will be created based on public comment, Planning Commission discussion, and City Council discussion.

Rocky Mountain Power and Heber Valley Power gave a Presentation

Jason Norlen from Heber Light and Power
Benjamin Clegg from Rocky Mountain Power

Heber Light and Power Needs and Necessity

- Initial studies identifying the project need were completed in 2011
- The need was confirmed again in June 2018- Heber Light and Power 46kv Load Flow Study
- Studies performed by third party engineering firm, Intermountain Consumer Professional Engineers, Inc.

Project Driver Load Growth

- 42.5MW 2018 Actual 2018 System Peak
- Utility Financial Solutions Load Study forecasted 40.2 MW for 2018 peak
- Population forecast based on University of Utah Kem C. Gardner Policy Institute Population Projections

Capacity and Reliability Needs

- Current is about 50% capacity and want to bring it to 85% with room to grow into the future

Examination of Heber Light and Power and Rocky Mountain Power Joint Transmission Project

Heber Light and Power and Rocky Mountain Power came to an agreement to work together to minimize the impact on the Heber Valley by building one dual circuit line.

Without this agreement, each entity would need its own separate lines of poles through the

valley.

- Rocky Mountain Power is Heber Light & Power's transmission provider
- Heber Light & Power requested a new electric point of interconnection to the main grid from the north Rocky Mountain Power 138 kV line in 2012.
- In response to the request, Rocky Mountain Power completed a System Impact Study; which determines the requirements to interconnect to the main grid.
- The study found the 138 kV regional lines need to be looped to serve the interconnection request. This connects the Midway Substation to the Jordanelle Substation, both in Wasatch County.
- Also, Heber Light & Power must rebuild its southern 46 kV transmission line between Midway Substation and Gas Plant Substation.

Two Primary Issues Resolved by the Project

- Peak Load System Radical Operation (Reliability)
 - When regional load is above 190 MW the transmission system has to be switched from a looped to a radial operation configuration.
 - The system is switched to radial so any one event (outage) doesn't cause a service interruption to the entire region. However, while in radial operation any one event will result in a service interruption to approximately half the region.
 - Rocky Mountain Power's customers in northern Wasatch County are served from a radial 138kV line to a substation below Jordanelle. Any outage on the transmission line drops all customers in that area.
 - Heber Light and Power's point of electrical service delivery is at Midway Substation. For nearly the entire year this is effectively a radial feed up Provo Canyon because a subset of this load can be served on a 46kV line but only under extreme operation conditions. Heber Light and Power generates locally and only for a couple weeks in the spring and fall. This small window of time is reduced with every new customer on Heber Light and Power's system.
 - Rocky Mountain Power's customers served in Wasatch County out of Wallsburg substation are subject to similar outage exposure and limitations.
- Customer (Heber Light and Power) New Load
 - Heber Light and Power has requested a second point of electrical service delivery closer to the center of the valley. In order to serve the expected load reliably, Rocky Mountain Power needs a looped 138kV transmission line between Jordanelle Substation and Midway Substation.
 - The project provides a looped configuration of sufficient capacity to serve this requested point of electrical service delivery.

Heber Light and Power Facility Committee Review

- Heber, Midway and Wasatch County have representation on the Committee
- Committee confirmed need and necessity again in 2018
- Committee reviewed the route
- Committee reviewed the cost difference between overhead or underground based on NEI study
- Committee reviewed every structure type and location

- Committee made a recommendation to the Heber Light and Power Board of Directors
- Committee recommendations included in the application:
 - Removed distribution under-build through Midway
 - Wood poles on all standard tangents
 - Allow height so spans are as long as possible (fewer poles more desirable than more shorter poles)
 - Dull non-specular conduction
 - Select alternate location for the second interconnection

2018 Heber Light and Power Board Actions to Date

- Confirmed need for additional point of electrical connection from Build Electric System
- Examined why Heber Light and Power is doing the project with Rocky Mountain Power
- The Board evaluated the cost of taking all or part of the line underground and what the rate impact of such action would be
- Board evaluated the transmission
- The Board evaluated the cost of taking all or part of the line underground and what the rate impact of such action would be
- The Board held several public meetings where they have taken public comment throughout this process
- Approved by Board action moving forward with an overhead line and to diligently work with any entity that is willing to pay to take any section of the line under-ground

Transmission Project History

- 2013- Heber Light and Power requested a new Point of Delivery from the Bulk Electric System
- 2014- Began rebuilding of 46kV line that runs from the Midway substation to the College substation on the Heber Light and Power system
- 2017- Joint construction and use agreement reached between Heber Light and Power and Rocky Mountain Power and Point of Delivery agreement was reached between UAMPS and PacifiCorp for the Heber Light and Power system.
- 2018- FERC approved the Point of Delivery agreement for the Bulk Electric System
- Mid 2018- Second phase of the 46kV/138kv line to be completed
- 2020- Heber Light and Power plans to finalize permitting and financing
- 2021- Transmission rebuild and Second Point of Interconnect will be complete with capacity now at 100MV (mega-watts)

Construction Timeline

- Phase I
 - One (1) mile along Highway 40 (College Sub – Coyote Lane)
 - Approved by County Planning Commission
 - Completed 2014
- Phase II
 - One (1) mile along Hwy 40 (Coyote Lane – 950 North)

- Approved by County Planning Commission
- Completed early 2018
- Phase III
 - Remaining transmission line & substation work
 - Slated for fall 2019 – fall 2020
 - Design & material procurement needed by spring

Project Requirements

Baseline infrastructure the Applicants must obtain:

- Heber Light & Power needs to rebuild their south line from Midway substation near the Midway Cemetery south of the sewer ponds, along 650 South to the Gas Plant Substation by the County Complex.
- Heber Light & Power needs a second point of transmission delivery to the national electrical grid near the center of their load.
- Rocky Mountain Power needs to connect Midway Substation to Jordanelle Substation south of Jordanelle Reservoir.

Midway City Ordinance

Applicants applied for permits with Wasatch County and Heber City in the fall of 2017.

- Applicants reviewed Midway's ordinances and at that time Midway City didn't have an ordinance addressing

Transmission Lines.

- Midway City residents were noticed as part of the County notice and some attended the County public hearing and other meeting related to this project.
- Midway City adopted an Ordinance in January 2019. Applicable ordinance is 16.13.47 Transmission Line.
- Ordinance 16.13.47 Transmission Lines
 - Transmission Lines are a conditional use in all zones.
 - The purpose of this section is to regulate all electric transmission lines that exceed 55 feet in pole height above grade...proposal to alter the height, diameter, or material of existing transmission lines that exceed 55 feet shall require a conditional use permit under this section.
- Ordinance 16.26.12 Conditional Use Approvals and Regulations
 - A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
 - If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.
- General Standards for Conditional Use Approval. An applicant for a conditional use approval shall provide within the application information to clearly demonstrate to the City compliance with the following, in addition to any specific requirements of this Section attached to the conditional use applied for:
 - General Welfare Standard. The establishment, maintenance or conducting of the use for which a use permit is sought will not, under the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood. There

- is no change in use so no change in impacts under this Standard.
- Nuisance Standard. Any use found to be objectionable or incompatible with the character of the City and its environs due to noise, light, traffic, dust, odors or other undesirable characteristics may be prohibited. There will be a temporary impact of noise, traffic, and dust during construction. There is no change in use so no change in impacts under this Standard.
 - General Plan Consistency Standard. To obtain a use permit, the applicant must generally show that the contemplated use is compatible with the City's land use policies in terms of the general plan and zoning ordinances, and that such use would be essential or desirable to the public convenience or welfare, and will not impair the and character of the zoned district or be detrimental to the public health, safety, morals or welfare. No change in use is requested in this application. Public access to reliable and affordable electric power is essential to public convenience and welfare.
 - Preferred Conditions on any above ground transmission power lines located within the boundaries of Midway City:
 - Existing Easement Restrictions: New lines shall be preferred in corridors where existing 46kV lines are already in place. This application follows the existing corridor.
 - Height and Span Restrictions: There shall be a preference for the shortest poles allowed by industry standards, considering the impact a shorter or longer span between poles may have on the view corridor. All options will be considered for aesthetics and for harmonizing with the vision of Midway City as described in the General Plan. This application replaces existing poles with new poles. The poles in the application are the height required to maintain NESC clearances and Applicant standards.
 - Ordinance 16.13.47 Transmission Lines: Preferred Conditions on any above ground transmission power lines located within the boundaries of Midway City:
 - Aesthetic Restrictions: No galvanized poles, or poles with other reflective materials shall be used. Pole color and material shall be focused on minimizing the visual impact of the transmission line. Wood poles will also be considered. This application uses wood poles where possible and self-supporting steel poles for angle structures. Applicants have assumed a self-weathering (rust-brown) finish on steel to comply with City's preferred condition.
 - Other restrictions as reasonably imposed by the City.
 - Ordinance 16.26.12 All conditions imposed shall meet the following criteria:
 - The condition is within the police powers of Midway City.
 - The condition must substantially further a legitimate public purpose.
 - The condition must further the same public purpose for which it was imposed.
 - The property owner may not be required to carry a disproportionate load in furthering the public purpose.
 - Dedications of land and other contributions as conditions of approval must be "reasonably related" to the use of the property for which the conditional use or special exception permit is requested. There must also be a "rough proportionality" between the extent of the condition and the particular demand or impact of the project. In addition, a performance bond cannot be required for the installation of public improvements that are not reasonably related to the property use. The conditions which are imposed on a conditional use permit must be expressly attached to the permit and cannot be implied. For example, if a conditional use permit contains

language that restricts a building's height to 25 feet and requires the developer to submit and obtain Planning Commission and City Council approval of a landscaping plan, among other things, the permit itself does not imply a height limitation on trees within the development.

State Statute- Conditional Uses

- State Statute 17-27a-506. Conditional Uses. This Statute is the where the State grants a County and City the ability to adopt CUP ordinances. It also places specific limits to the scope of the review and associated conditions.
 - §(2)(a)(i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
 - §(2)(a)(ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
- Other Statutes:
 - A requirement of a conditional use is “to mitigate the
 - reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.” Utah Code §10-9a-507(2)(a)(i).
 - Additionally, “...imposition of reasonable conditions [are] to achieve compliance with applicable standards...” id. at § 10-9a-507(2)(c).
 - Hence, a detrimental effect must be measured against an “applicable standard.” And an imposed condition must be “to achieve compliance with applicable
 - standards.”

Alternatives to Overhead Line

- Alternative Routes:
 - Other routes not in this application are not germane to whether the application before the Commission meets the standard for conditional use permits.
 - The Ordinance gives preference to rebuilding in existing corridors over establishing new alignments.

Underground Cost Study

- Underground Excess Cost Study:
 - The underground excess cost study prepared from the request of a Wasatch County hearing has been included in the application documents.
 - Options for complete and partial underground excess costs are included in this study. This includes through Midway City.
 - A local jurisdiction is allowed by state law to require that any portion or all of the line within the jurisdiction be constructed underground, subject to paying the difference between the standard and excess costs. With respect to a transmission line . . . "standard cost" is the cost of any overhead line constructed in accordance with the public utility's normal practices. (Utah Code 54-14-103(9) (b))

State or Federal Approvals

- Rocky Mountain Power and Heber Light and Power have obtained all known required approvals for this project.

Commissioners and Staff Comments

Commissioner Payne asked what the diameter of the dead-end poles and was told it would be about 4 feet in diameter.

Benjamin Clegg explained the control of the span regarding height of the pole.

Commissioner Payne asked if the poles would all be replaced pole for pole. It was agreed that a comparison would be given for the next meeting to help with the decisions that the commissioners faced.

Commissioner McKeon asked about how long will the valley be ok before we need to do this again? Ben Clegg referred to the presentation for the answer.

Commissioner Streeter stated that she didn't feel that the financial costs, easements etc. had been listed clearly enough.

Commissioner Payne asked for a side by side comparison, about the cost to bury the lines and easements.

Benjamin Clegg stated that vegetation would have to be cleared if needed as they were required to do so. However, some Agriculture may not have to be cleared, depending on the use of the property. Some properties may have crops in the easements that can be harvested regularly and have no impact on the transmission lines as to height.

There was an explanation about what a "guy load" was for the average person and Benjamin Clegg gave a short explanation of what that was regarding poles and extra lines needed.

Commissioner Whitney asked to have an unbiased third-party report.

It was stated that some residents are and would be willing to give easements for free if they can go underground vs paying for an easement if the line was overhead. Benjamin Clegg stated that the Power company will get the easements that they need.

Commissioner Payne wants to look at the impact for each property that will be involved.

Heber Light and Power and Rocky Mountain Power have a state identified agreement and have shared structures already on the Judge line. It is fiscally responsible for Heber Light and Power and Rocky Mountain Power to share the costs. Heber Light and Power must build their lines, Rocky Mountain Power must build their lines.

It was recommended that Heber Light and Power and Rocky Mountain Power go and talk to the landowners, there are very few landowners, talk to them to get their input.

Commissioner Payne did not understand why all approvals were not obtained before the lines were built down Hwy 40.

A conversation ensued about load studies, reliability of the load.

A conversation ensued about property lines, poles and easement values.

The Commissioners agreed that they would like to see a plan that shows two options, side by side comparisons, of the visual impacts, placement of the poles along with the number and height of the poles to help them choose a reasonable option. They want to see the exact placements of the poles and the impact on each individual property owner. Not having the comparisons makes it difficult to decide for the good of the community.

It was noted that the pole heights were revised by applicants prior to the meeting but after the documents were sent out to PC for review.

Motion: Commissioner Streeter: I move that we continue the application for the transmission line rebuild on 970 South, Stringtown Road and Wards Lane as per our ordinance and accept staff reports. The following conditions are that Rocky Mountain Power provide alternative route study, Rocky Mountain Power and Heber Valley Light and Power to provide cost and size of easements, easement locations, clearly marked, above and below ground with the visual aspects, more clarification as to the number of poles, heights and property line locations and talk to the two large land owners.

Seconded: Commissioner O'Toole

Chairman Kohler: Any discussion on the motion?

Commissioner

Chairman Kohler: All in favor.

Ayes: Commissioners Streeter, Payne, O'Toole, Nicholas, Bouwhuis (Alternates Whitney and McKeon-no vote needed)

Nays: None

Motion: Passed

Item 3:

Midway City is proposing a code text amendment of the Midway City Land Use Code Section 16.22: Wireless Telecommunications. The proposed code will regulate installation, maintenance, operations and use of small wireless facilities and related improvements within the City.

Planner Henke gave a presentation

Code Text Amendment

- Federal Communications Commission - FCC 18-133
 - September 26, 2018 approval
 - FCC removes barriers to wireless infrastructure deployment by clarifying scope of Sections 253 and 332 and establishing shot clocks for small wireless facilities

- Utah State Legislature passed Senate Bill 189
 - Small wireless facilities are now a permitted use in public right of ways.
 - The City has the ability to establish reasonable design standards.
 - The supporting equipment to the antennas may be required to be placed underground.
 - A statewide fee schedule has been adopted for application fees and leasing fees
 - A statewide approval schedule has been adopted.

What can we Regulate

- Design
 - Street light poles design standards
 - Freestanding poles
 - Utility poles
 - Support equipment
- Development Standards
 - Burial of support equipment
 - Location of support equipment
- Process
 - Staff or committee approval
 - Approval time limits are required

Possible Findings

- Federal and State requirements require the City to adopt a code if the City wishes to regulate small cell communication facilities
- The General Plan promotes careful consideration of improvements along Main Street and in the entire community
- The City can establish reasonable design standards
- Small cell communications will benefit residents, tourists and businesses in Midway

Commissioners and Staff Comments

The commissioners asked if it was possible that the boxes could be buried in the pot rock. Wes Johnson stated, yes, they could it just is significantly more expensive.

Commissioner Streeter stated that we should design our main street light posts to have the accommodations for 5G in the bases of the poles. Each streetlight is already built with the ability for a company to come in and just add their equipment in the existing and 5G ready streetlights. We could even possibly charge the company a dollar figure or fee, because we have already done that work for them. And we have the control over the poles.

Commissioner McKeon stated that we only need to establish a reasonable design standard, so we have that control. The standards do not need to be extensive at this time. The technology will evolve, get smaller, and faster by the time it rolls into our community.

Have dark sky lights as a criterion, antenna on the top and the equipment can either be buried or installed in the base and leave it to that for now. And if a company comes in with their own poles, we have the design standards set.

Corbin Gordon stated that he is going to do more research for Main Street and Subdivisions, bring back some answers at the next meeting.

Chairman Kohler and the commission stated that it would have to be staff approval and not to go to VAC or PC, due to the 30-day window of time. There simply would not be enough time to bring it to these committees.

Public Comments Open

None

Public Comments Closed

Motion: Commissioner Bouwhuis: I make a motion to ask staff to develop a new code text on the small cell wireless facilities.

Seconded: Commissioner Streeter:

Chairman Kohler: Any discussion on the motion?

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, O'Toole, Nicholas, Bouwhuis (Alternates Whitney and McKeon-no vote needed)

Nays: None

Motion: Passed

Item 4:

Brooke and Christian Duncan are requesting a Conditional Use Permit for an in-home preschool on their property located at 425 East 600 North. The property is in the R-1-22 zone.

Planner Henke gave a presentation

Land Use Summary

- 0.5-acre lot
- R-1-22 zone
- Proposal is an in-home preschool
- Access from 600 North

Preschool Proposal

- Ages 3-4
- Class of 8-12 students
- Classes 3 days each week
 - Tuesday, Wednesday, and Thursday
- 9am to noon
- Will follow the Wasatch County School District calendar

Discussion Items

- Safety for pick-up and drop-off of the students
 - 600 North is a local collector
 - Road will be improved this summer
 - Consideration of a pull through driveway

Possible Findings

- The proposed use is a conditional use in the R-1-22 zone.
- The proposal will increase traffic on 600 N.

Proposed Conditions

1. Any increase in the number of students or classes above what has been proposed will require the Conditional Use Permit be reevaluated and approved by the City Council.
2. All inspections must be completed, and a business license issued before the preschool can hold any classes.
3. If any safety issues are identified after approval is granted then the applicant must work the City to alleviate any issues and if the issues cannot be alleviated then the conditional use permit and business license may be revoked.

Commissioners and Staff Comments

Wes Johnson suggested that the Duncan's put in a cul-de-sac type driveway to eliminate backing out of the driveway

Commissioner Bouwhuis suggested that they put in a sidewalk so the children would be safe from the road.

An idea suggested was to stagger the drop-off in times to 3 or 4 parents

Commissioner Streeter asked about winters with heavy snow she suggested that the circular driveway or pull through driveway. Eliminate the possibility of having to stop
 Commissioner Whitney stated that with preschool, parents want to sometimes stop and talk and
 Commissioner Payne stated that it may be possible pave the right of way.

Christian Duncan stated that their idea was to try the preschool for 1 year and the cost of building a roundabout. The preschool is a trial and if they like it and want to expand, they would be continuing most likely look at a different location for make that expansion.

Commissioner Bouwhuis suggested that have a person to take the child out of the car and escort.

The commission liked the idea of having a second parent supervise the pick-up and drop off.

Motion: Commissioner Payne: I make a motion to approve a Conditional Use Permit for an in-home preschool on their property located at 425 East 600 North. The property is in the R-1-22 zone. Approve the staff recommended findings with the proposed conditions listed in the staff report and add that second person is required to help with the pick-up and drop off of students, and that they will come back in one year to re-evaluate the conditions.

Second: Commissioner O'Toole

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, O'Toole, Nicholas, Bouwhuis (Alternates Whitney and McKeon-no vote needed)

Nays: None

Motion: Passed

Item 5:

Berg Engineering, agent for Johnsons Landing, is requesting final approval of Bonner Meadows (formerly known as Lucerne Estates.) The proposal is for a 14-lot subdivision that is 4.77 acres and is in the R-1-9 zone. The property is located at approximately 149 South 100 East.

Planner Henke gave a presentation

Land Use Summary

- 4.77 acres
- R-1-9 zoning
- Proposal contains 14 lots
- 100 South, 180 East
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

Discussion Items

- Single-family dwellings
- Sidewalks & connectivity
- 185 South

Possible Recommendation

- 4.77-acre parcel (207,781.2 sq. ft.)
 - 14 lots (14 x 5,000 sq. ft. = 70,000 sq. ft.)
 - 81,150 sq. ft. (irrigated area of 14 lots)
 - 12,197 sq. ft. (park strip)
 - 93,347 (2.14 irrigated acres)
 - 6.4-acre feet
- 14 culinary connections
 - 14 x 0.8 = 11.2-acre feet
 - **17.6-acre feet requirement**

Possible Findings

- The proposal does meet the intent of the General Plan for the R-1-9 zoning district
- The proposal does comply with the land use requirements of the R-1-9 zoning district

- The sidewalks crossing the property and connecting to neighboring roads and existing sidewalks will benefit the community by allowing safe pedestrian access.

Commissioners and Staff Comments

Wes Johnson stated that the road would be closed and give that easement to the school. The road will be used as a bus drop off area for the school.

Paul Berg stated that the school had told them years ago that they did not want them to create a through street.

Motion: Commissioner O'Toole: I make a motion of final approval of Bonner Meadows (formerly known as Lucerne Estates.) The proposal is for a 14-lot subdivision that is 4.77 acres and is in the R-1-9 zone. The property is located at approximately 149 South 100 East. That we accept staff findings and analyses with the added note that will remain on the plat that this will always be a single-family dwelling lots only.

Second: Commissioner Nicholas

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, O'Toole, Nicholas, Bouwhuis (Alternates Whitney and McKeon-no vote needed)

Nays: None

Motion: Passed

Item 6:

Albert Cozens is requesting Preliminary/Final approval for the Cozens Subdivision. The proposal is a small-scale subdivision located on 3.72 acres and will contain one lot. The property is located at 840 South Stringtown Road and is in the RA-1-43 zone.

Planner Henke gave a presentation

Land Use Summary

- 3.72 acres
- RA-1-43 zoning
- Proposal contains 1 lot
- Frontage from Stringtown Road
- Lot will connect to Midway City's culinary water line and Midway Irrigation Company's secondary water line
- The dwelling will continue to be serviced by the onsite septic system until future development requires a connection to the sewer system

Discussion Items

- 50' Setback

- Water Board must review and make a recommendation

Possible Findings

- The proposed lot meets the minimum requirements for the RA-1-43 zoning district
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district

Commissioners and Staff Comments

Just follow the code and the process

Motion: Commissioner Nicholas: I make a motion that we recommend Preliminary/Final approval for the Cozens Subdivision. The proposal is a small-scale subdivision located on 3.72 acres and will contain one lot. The property is located at 840 South Stringtown Road and is in the RA-1-43 zone. And that we accept the staff report and findings.

Second: Commissioner O'Toole

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, O'Toole, Nicholas, Bouwhuis (Alternates Whitney and McKeon-no vote needed)

Nays: None

Motion: Passed

Item 7:

Non-entitlement review of a concept plan for the Zenger Property which contains 65 lots. The property is 38.19 acres and is located at 275 Luzern Road. The property is in the RA-1-43 zone.

Planner Henke gave a presentation

Murano Annexation

- 84 acres
- RA-1-43 zone
- Annexed on June 27, 2007
- Limited to 48 lots
- Private Streets
- Public Trails including some off-site trails
- Open Space
 - 18.83 acres (22.16%)
- Park annexation fee of \$47,600

Paid on January 31, 2008

Amendment of the Annexation Agreement

- This agreement may be amended in whole or in part by the mutual written consent of the parties to this agreement or by their successors in interest or assigns.

2019 Concept Plan

- 84 acres
- RA-1-43 zone
- 64 pads (PUD)
- 1 lot
- Private Streets
- Public and private trails
- Open space

44 acres

Commissioners and Staff Comments

Straw poll was taken

Chairman Kohler likes the PUD

Commissioner Payne is torn but does not want fencing

Commissioners O'Toole, Nicholas and Bouwhuis likes the PUD

Commissioner Whitney likes the PUD with less density with max 8 units more

Commissioner McKeon likes the PUD

Adjournment: Commissioner Streeter

11:45 pm

Chairman – Jim Kohler

Admin. Assistant – Melannie Egan