

**Midway City Planning Commission Regular Meeting
March 16, 2016**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., March 16, 2016, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:

Mickey Oksner – Chairman
Steve Nichols – Co-chairman
Nancy O’Toole
Bill Ream
Natalie Streeter
Jim Kohler

Staff:

Michael Henke – City Planner
Lindy Rodabough – Admin Assistant
Wes Johnson – City Engineer

Excused

Chip Maxfield
John Rather
Stu Waldrip

6:50 P.M. Work/Briefing Meeting

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

7:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
Opening Remarks or Invocation.
 - ❖ Invocation was given by Commissioner Nichols
 - ❖ Chairman Oksner led the Pledge of Allegiance.

Regular Business

ITEM: 1

Review and possibly approve the Planning Commission Minutes of February 17, 2016

Motion: Commissioner O’Toole: I move that we accept the minutes

Seconded: Commissioner Nichols

Ayes: Commissioners Nichols, O’Toole, Ream, Streeter and Kohler

Nays: None

Motion: Passed

ITEM: 2

Sarah and Ben Severson, agent for The William H. Neil and Eva p. Neil Family Trust, are requesting Preliminary/Final approval of the Fox Meadow Subdivision. The proposal is a small scale subdivision that will contain two lots. The property is located at 370 South Fox Den Drive and is in the R-1-11 zone.

BACKGROUND:

This request is for preliminary/final approval of a small-scale subdivision on 2.2 acres that will contain two lots. The two lots proposed in the subdivision will obtain frontage along 580 East Fox Den Road (no access will be allowed from Michie Lane because it is planned as a collector street). The property is located in an R-1-11 zoning district and the lots do comply with the minimum requirements of frontage, width and acreage for a lot in this zone. Actually this property could accommodate higher density than two lots but the applicants have chosen this density for the subdivision. The property is fallow and has not been farmed for several years.

LAND USE SUMMARY:

- 2.2-acre parcel
- R-1-11 zoning
- Proposal contains two lots
- Frontage along Fox Den Road and Michie Lane
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

ANALYSIS:

Access – Access for the corner lot will be limited to Fox Den Road (580 East). Michie Lane is a collector road on the City's Master Transportation Map so access is limited unless specifically approved by the City Council. A note will be placed on the plat that will explain the access for the corner lot.

Water Connection – The lot will connect to the City's water line located under Fox Den Road.

Sewer Connection – The lot will connect to Midway Sanitations District's line located in the area.

Road Improvements – The developer will install all required improvements along Fox Den Road which includes sidewalk, park strip, and utilities. Improvements along Michie Lane

will be installed by the City which includes an 8' wide paved trail, curb and gutter, asphalt, and ditch improvements.

WATER BOARD RECCOMDATION:

The Water Board has recommended that six-acre feet are submitted to the City before the recording of the subdivision plat.

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the R-1-11 zoning district
- The proposal does meet the intent of the General Plan for the R-1-11 zoning district
- The subdivision will dedicate a trail easement to the City to help us complete the trail in the area which will make pedestrians safer by allowing them a place to walk off the road

ALTERNATIVE ACTIONS:

1. Recommendation for Approval (conditional). This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Recommendation for Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

POSSIBLE CONDITIONS:

None recommended.

Chairman Oksner: Will it be an asphalt trail for the kids to walk on to school?

Planner Henke: Yes, that is correct. There is an eight (8) foot paved trail in Bowden Fields and that will continue all the way through this property.

Chairman Oksner: Will it eventually go all the way to Main Street?

Planner Henke: There is hard surface all the way from Main Street to this property, but part of it is sidewalk and the other part is trail.

Chairman Oksner asked if there were any further questions from the Commissioners

There was none

Motion: Commissioner Streeter: I move that we approve the preliminary and final approval of the Fox Meadow subdivision. It's a small scale subdivision located at 370 South Fox Den Drive in the R-1-11 zone. I move that we accept the staff report and the staff findings. Note that the board has placed no conditions on this approval.

Seconded: Commissioner Kohler

Ayes: Commissioners: Ream, Streeter, Nichols, Kohler and Streeter

Nays: None

Motion: Passed

ITEM: 3

Todd and Cindy Drennan are proposing a Code Text Amendment to the Midway City Municipal Code Section 16.13.40: Requirements for Single-Family Dwelling Units. The proposed amendment would eliminate "B" of this section.

BACKGROUND:

This request for a Code Text Amendment of Section 16.13.40: Requirements for Single-family Dwelling Units. The Code currently states the following:

A. Single-family dwelling units shall be constructed on permanent foundations.

B. The roof of each single-family dwelling unit shall have a minimum pitch of two and one-half to twelve (2.5":12") inches. At non-gable ends of the roof, there shall be an overhang at the eaves of not less than twelve (12) inches inclusive of rain gutters.

C. Each single-family dwelling unit shall be not less than twenty (20) feet in depth at the narrowest point. The depth shall be considered to be the lesser of the two (2) primary dimensions of the dwelling exclusive of attached garages, bay windows, room additions, or other similar appendages.

The applicant is proposing to amend this requirement by removing “B” so that it would be the following:

A. Single-family dwelling units shall be constructed on permanent foundations.

~~*B. The roof of each single-family dwelling unit shall have a minimum pitch of two and one-half to twelve (2.5":12") inches. At non-gable ends of the roof, there shall be an overhang at the eaves of not less than twelve (12) inches inclusive of rain gutters.*~~

~~*B. C. Each single-family dwelling unit shall be not less than twenty (20) feet in depth at the narrowest point. The depth shall be considered to be the lesser of the two (2) primary dimensions of the dwelling exclusive of attached garages, bay windows, room additions, or other similar appendages.*~~

Essentially, the proposed change would remove the minimum pitch requirement which would allow flat roofed dwellings to be constructed in Midway. This section of code was approved by the City Council on 8-25-2010. The reasoning for the ordinance, from staff’s recollection, was based primarily on the aesthetics of the community. The City Council felt that dwellings should have a more “alpine” feel to them and one way to accomplish this was by requiring a pitched roof. Many zoning requirements are not based on safety but they are based on the community vision and the idea of how the built environment should appear.

The applicant lists a number of reasons why this requirement should be removed from the code. The application states the following:

The current direction in high-end homes is increasingly demanding the design freedom to use lower slope roof systems, roof gardens, and roof terraces – none of which are possible under the current code wording. Also, low slope roofs are one of the safest and best performing snow condition roofs available.

The applicant also lists the support that he has identified in the General Plan. You will find this in a document attached and following this report.

When the City Council adopted this code in 2010 they partially based their reason on the following:

Section 16.01.010: Intent and Purpose of the Land Use Code for Midway City establishes the reasons the City has a Land Use Code. A number of those reasons support the adoption of this ordinance. Listed below are few that support this addition to the Code:

J. Promote a more attractive and wholesome environment – The proposed amendment would promote a more attractive environment which is very important

to many Midway residents. Many cities have requirements for dwellings such as brick or rock requirements for street side wall covering for dwellings. The proposed code is very similar in requiring dwellings to meet standards so that the City remains attractive when new dwellings are proposed.

In conclusion, the purpose for the current code is based on aesthetics more than any other reason. Dwellings can be constructed safely with a pitched roof or with a flat roof so this is not the issue. The Council decided in 2010 that they wanted dwellings to have a pitched roof look based on the character of the community and what had been historically built in Midway and in the Heber Valley. It may be that the sentiment of the current City Council will be different from that of 2010 and the ordinance will change and that decision will also be based on what the City Council feels is appropriate for the community.

This item has been noticed in the local newspaper for two weeks and in the State's website for the Planning Commission meeting.

POSSIBLE FINDINGS:

- In favor of the amendment:
 1. Dwellings can safely be constructed with a flat roof
 2. There will still be single-family dwelling standards that include foundation and structure depth requirements
 3. Allowing the amendment will give greater freedom to property owners in the City when deciding the type of structure to build

- Against the amendment:
 1. Flat roof dwellings are uncommon in Midway and Heber Valley and any new structures will not match the majority of the structures in the community
 2. Flat roof dwellings do not match the vision of the community as described in the General Plan in the manner that the General Plan promotes a Swiss European look and feel and flat roof dwelling are uncommon in Switzerland

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission feels that the proposed change is an acceptable amendment to the Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.

- a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request is not an acceptable amendment to the Municipal Code.
- a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

Commissioner Kohler: As the code reads now, could someone get a variance to have a flat roof without changing the code?

Planner Henke: Somebody can always apply for a variance, but it is a very high bar. In other words I don't think that they could get a variance.

Commissioner Ream: Do we have the option of limiting it to certain zones? For example, downtown has to be pitched roofs; outside of downtown can be flat roofs.

Planner Henke: Yes, you can make that recommendation to the City Council they may or may not agree with that recommendation. What this comes down to is as a City, do we want flat roofed buildings or does that not match what we want to see in Midway?

Chairman Oksner turned the time over to the applicant

Applicant Todd Drennan: There is a lot of miss information about a flat roof. There is actually no such thing as a real flat roof. The minimum slope for a water proof membrane is a quarter of an inch to twelve. You and I will see it as flat, but there is no such thing. Drainage issues have been addressed and as long as the temperature outside is below 32 degrees then the snow is an insulation effect to your home.

The Swiss actually pioneered the flat roof. Midway City's General Plan mentions that the desire is to be Swiss European Architecture not Old Swiss. So this presentation is the intent to show that this fits into that. A flat roof does not have to be shoveled. Flat roofs perform as well or better than a pitched roof. I'm a licensed architect, most homes are not designed by licensed architect. Any home that I design I have to license and insure for 11 years.

Chairman Oksner – Questions from Commissioners

Commissioner O'Toole: You talked about drift. When you design a flat roof do you design it so that if there is a drift the snow can pile up?

Applicant Todd Drennan: If it is the structural engineer, yes. It has to be done by code and that doesn't matter if it is flat or pitched.

Commissioner Streeter: Most projects that come before us are PUD's, they have to go before the Visual and Architectural Committee, we hold them to "Old Swiss Style" it's in our ordinances we've held developers to this style to for most of the development in Midway. When people come and they look at a PUD, when they look at a home or a building site they look around and they have a fairly reasonable expectation of what's going to be built around them. The down side to what I see you suggesting is not in a lot of the examples that you've given which are the homes that stand somewhat alone. The down side in your suggestion is in a PUD, and that is the bulk what we see presented in front of us.

Applicant Todd Drennan: A PUD is exactly where architectural guidelines should be.

Chairman Oksner opened it to public comment

Member of the Public: Josh Phillips: I am a licensed general contractor and have been for 12 years. I

build mostly in Park City. I've probably built 20 plus homes here in the valley as well. If you compare a well-designed, well-built pitched roof against a well-designed, well-built flat roof the flat roof will outperform a pitched roof with regards to water and mitigation all day long. A pitched roof is not meant to hold water; it's meant to shed the water. A flat roof will hold the water if need be. Pitched roofs cause ice dams which causes water to be held on the roof and then they leak. With a flat roof you wouldn't have that problem. There could be a sheet of ice one (1) foot thick and if the flat roof is built well the roof will not leak. If we as a community are trying to encourage "Swiss European" I would say that Swiss European is in the minority in Midway. We've got very few homes that would meet that design requirement.

Calder Stratford: I live in Midway and have a flat roofed home that sits on .44 of an acre. A City cannot just target one (1) style of home. The only three (3) ordinances in Midway right now target one (1) specific type of architecture. I don't believe it is the City's job to make architectural decisions for landowners.

Cindy Drennan: I've been collecting support from citizen's from around Midway that are in support or okay with having section B removed from Section 16.13.40 I have 225 names right now and it is an on-going petition if need be. I've only had one (1) person tell me no that they would not sign it, I've had a small handful of people say that they want to consider it before they sign it, I've had some people tell me that they do not like the look of flat roofed houses, but would sign the petition because they do not feel like it is there right to tell someone how to build their house.

Rob Bouwhuis: I live in Midway and I am a licensed architect. There are less water problems with a flat roof than there are with pitched roofs.

Chairman Oksner closed public comment

Chairman Oksner – Questions from Commissioners

Commissioner Streeter: If we change this, do we have a trickle down problem with any of the other ordinances that we have to consider for Swiss density bonuses and things like this?

Planner Henke: I do not think that would be a problem.

Motion: Commissioner Ream: I'll make a motion in favor of the amendment, because dwellings can safely be constructed with a flat roof. There will still be single family dwellings standards that include foundation and structure depth requirements and allowing the amendment will give greater freedom to property owners in the City when deciding the type of structure to build.

Second: Commissioner O'Toole

Chairman Oksner: Any further discussion

Commissioner Nichols: I'll just make a comment. We talked about PUDs and covenants and those are set so that when you move into an area you have some idea of what buildings are going to be around you and you can choose whether or not you want that style. I think that this has been in place in Midway for a number of years and some folks may have moved in with a feeling that this functions just like a covenant that there not going to have a flat roofed home built next to them and I think that if we change this it should be based on a showing that the majority of the people in town want that change. So I think that the petition that's been started is the right approach and I would move that we continue this item until we have more of an expression of what the public wants.

Chairman Oksner: I'll ask for a vote on the amendment as seconded

Ayes: Commissioners Ream, Streeter, O'Toole, Kohler

Nays: Commissioner Nichols

Motion: Passed

ITEM: 4

Paul Berg, agent for Watts Enterprises, is requesting Preliminary approval of the Dutch Canyon Subdivision. The proposal is a large scale subdivision that is 29.08 acres in size and will contain 25 lots. The property is located at 600 East Saddle Drive and is in the RA-1-43 zone.

BACKGROUND:

This request is for preliminary approval of a large-scale subdivision on 29.42 acres that will contain 25 lots. Currently the property is being used as agricultural land and is owned by the Remund Ranch Inc. The zoning allows for a density of one dwelling per acre after the deduction of the acreage used for the road right-of-ways. The code also requires a minimum of 15% open space. Lot areas and frontages are allowed to reduce proportionally in size by the percentage of open space that is included in the subdivision. In this proposal there is the required 15% open space so all of the lots have been reduced in size down to 0.85 of an acre. The open space contains private amenities that include a tennis and pickleball court, pond, children's play area, pool, pool house, and public trails. These amenities will be maintained by the Home Owners' Association (HOA) and will be private. The only amenity that will be open to the public are the public trails that are part of the City's Master Trail Plan.

Access to the subdivision has been carefully reviewed and planned. Connectivity is important to the City for traffic circulation so there is a connecting road to Burgi Hill Ranches. There is also a connecting road Dutch Canyon Road but there is not a direct access to Dutch Fields, except for a public trail, to discourage through traffic through the subdivision. Since the road plan in the subdivision and the surrounding subdivisions is for local roads and local traffic only there are several traffic calming devices that have been included in the plan to reduce through traffic. The road will narrow at both entrances to the subdivision and trees will be planted on both sides in the enlarged park strip to help slow down traffic. Also the pavement in these areas will have a rough texture so that drivers will feel a change as they drive through the narrower streets. Also the intersections in the subdivision will be all-way stops to discourage through traffic and to slow speeding in the neighborhood.

As mentioned earlier, the subdivision will have an 8' paved public trail that will cross the property from east to west. There is also a public trail connection to the Wasatch Mountain State Park to the north and a public trail connection to the Dutch Fields to the south. Neighbors from the two subdivisions will be able to use the connector for pedestrian access but to drive from one subdivision to the other will require access through Dutch Canyon Road and then into Dutch Fields through Dutch Fields Parkway.

LAND USE SUMMARY:

- 29.42-acre parcel with road easement
- RA-1-43 zoning

- Proposal contains 25 lots
- Open Space 4.41 acres
- Access from Dutch Canyon Road and Saddle Drive
- Public roads and trails
- Private amenities
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

ANALYSIS:

Access – Access for the subdivision will be through Dutch Canon Road and through Saddle Drive. Saddle Drive is a private road with a public easement. Access will then continue to Interlaken Drive which is a private road. In order for this road to be considered access for the subdivision either an agreement must be made with the owners of that road or the City will need to accept Interlaken Drive as a public road if the property owners deed it to the City.

Water Connection – The lots will connect to the City's water line located under Saddle Drive. A water line will be constructed from Valais that will allow better water pressure for the entire area because the system will create a loop around Burgi Hill.

Sewer Connection – The lots will connect to Midway Sanitations District's seer line under Saddle Drive.

Secondary Water Connection – The lots will connect to Midway Irrigation Company's irrigation line. The plans for this connection have not been finalized.

Open Space – 15% open space is required for the subdivision so 4.41 acres is being provided. The HOA will own and maintain the open space which is centrally located in the subdivision. Also because of the open space's location, the entry from Dutch Trail Road is impactful because there is a direct view to that open space and the pond in the area.

Road Cross Section – The developer is proposing a rural road cross section instead of the default urban cross section. The rural cross section has the same 56' right-of-way width and 30' of asphalt width but it includes an 8' trail on one side of the street, 2' flat concrete curb and a road side drainage ditch instead of the standard 5' park strips and 5' sidewalks with modified curb on both sides of the street. The rural cross section can only be approved if the Planning Commission and City Council both approve the road design. The surrounding subdivisions of Dutch Fields and Burgi Hill Ranches both lack sidewalks and roadside trails which create pedestrian safety problems in those subdivisions. Both the rural cross section and the City's standard cross section would both be an improvement as compared what is

found in the surrounding subdivisions but that leaves the question of which cross section would be better for Dutch Canyon? The rural cross section can only be petitioned if the average frontage of the lots is greater than 150'. In this subdivision the average frontage is 169' so the applicant does meet this requirement.

Dutch Canyon Road Improvements – The developer will be required to upgrade Dutch Canyon Road which is substandard in width and condition. It is possible the City may participate to some extent in this road improvement project but the final decision of if that will happen and to what extent has not been determined. A traffic study will need to be conducted to determine the traffic counts on the Dutch Canyon and surrounding roads to help determine to what degree the City might participate, if at all, on those road improvements. The developer has also suggested that a road extension agreement been enacted on the road but the code currently does not include this type of agreement unlike water line extensions that does have a section in the code. If the developer would like to pursue a code text amendment, then an application must be submitted to the City and the City Council would have to approve that amendment in order for this to be possible.

Sensitive Lands – The developer has indicated on the plans there are no sensitive lands in the project area.

WATER BOARD RECCOMDATION:

The Water Board has not yet heard or made a recommendation for water requirements.

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
- The developer will dedicate a trail easement to the City and build the public trails that will help us complete the trail plan in the area as envisioned in the General Plan
- The completion of the project will create a second access to Burgi Hill Ranches that will be traversable year round making traffic circulation much better in the case of an emergency for the entire area

ALTERNATIVE ACTIONS:

4. Recommendation for Approval (conditional). This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

5. 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

6. Recommendation for Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

POSSIBLE CONDITIONS:

- A traffic study must be conducted and submitted to the City
- A geotechnical report/sensitive lands study must be submitted to the City
- The Water Board must make a water requirement recommendation before the City Council hears the item for preliminary approval
- The Sewer District must approve the plans before the City Council hears the item for final approval

Commissioner Kohler: I have a question regarding the road profile. We had a number of meetings a year ago, and I thought that the City Council was taking the position that we would be going forward with the urban profile on all new subdivisions. So what criteria do we need to address to be able to consider and approve the rural cross section?

Planner Henke: What we adopted as a City is that a developer can ask for this cross section of their frontage on all lots including the two (2) frontages on corners is more than 150 feet. So basically what we are saying is if you've got acre lots or really close to acre lots then you can ask for this profile. It's based off of the size of the lots more than anything. This is the one situation

that somebody could ask for this profile. In a normal subdivision and pretty much any other zone a developer wouldn't be able to ask for this profile.

Commissioner Kohler: So are all of these conditions met?

Planner Henke: Yes, they are all met, but just because all of the conditions are met does not mean that the Planning Commission and City Council need to approve this profile. Only if you feel like this is a safer alternative to our normal cross section for our road standard.

Commissioner Streeter: What will the traffic study show us?

Planner Henke: We want to find out what the current traffic count is on Dutch Canyon Road and that will help us to determine what the increased traffic will be from this subdivision. This study will help to determine traffic planning and cost of road improvements. The City will help cover the cost of the current traffic.

Commissioner Streeter: Will the short cut be addressed in the traffic study?

Planner Henke: What we'll be able to determine before the subdivision is built is what the current traffic counts are. In this design we've put in place traffic calming devices to deter somebody to use this road as a short cut.

Paul Berg: We have planned to widen Dutch Canyon road to 30 feet. We also plan to make a loop with the water lines that will connect Valais and Burgi Hill Ranches which will help that area. We do have an objection to amend the Freedom Agreement for Interlaken road. Yes, there is an agreement on that private road, we feel like the City directed us to tie into Burgi Hill Ranches, which we're complying with. So if the City feels like there needs to be an amendment to that agreement then we would ask the City to do that especially as they look towards making that a public road. We're meeting the City's condition to connect to this road and our primary access is off of Dutch Canyon road we feel that it is not our obligation to amend that agreement.

Motion: Commissioner Kohler: I move that the Planning Commission recommend conditional preliminary approval of the Dutch Canyon Subdivision. We accept the staff report with the findings that the proposed lots meet 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. The developer will dedicate a trail easement to the City and build the public trails that will keep the complete trail plans in the area vision of the General Plan and the completion of the project create a second access to Burgi Hill Ranches that will be traversable year round making traffic circulation much better in the case of an emergency for the entire area. We accept the conditions suggested by staff that a traffic study must be conducted and submitted to the City, the geotechnical report of the sensitive lands study will also be submitted to the City water board must make a water recommendation before the City Council hears the item for preliminary approval and the sewer district must approve the plans before the City Council hears the item for final approval

Second: O'Toole

Chairman Oksner asked if there were any discussion on the motion

Commissioner Ream: I have a question. Who is putting up the stop signs, are we requiring that? If we can require that why can we not require an emergency vehicles only?

Commissioner Nichols: We are not requiring it; it is part of the submitted plans.

Commissioner Ream: It's part of the submitted plan. Can we amend this to say that we recommend that the City should put up the sign(s) emergency vehicles only for that portion?

Commissioner Streeter: Paul, is the applicant willing to put up the emergency vehicles only sign?

Paul Berg: We are willing to put up a sign, but is that the intent of what the City has asked us to do by connecting the roads with your connectivity?

Planner Henke: If the Planning Commission wants to make that apart of their recommendation they can, but the City Council would have final say.

Commissioner Ream: I'm understanding we can recommend to the City Council that they do that. Is that correct?

Planner Henke: Yes, if the Planning Commission has the majority vote that can be part of the recommendation.

Commissioner Streeter: Are we amending the motion?

Commissioners: No

Chairman Oksner: We are going to vote on the motion that has been submitted and if it doesn't pass we'll consider an amendment.

Ayes: Commissioner Streeter, Kohler, O'Toole

Nays: Commissioners Ream and Nichols

Commissioner Ream: We recommend to the City Council that the connection be for emergency vehicles only between Burgi Hill Ranches and this development.

Chairman Oksner: Do you accept that Jim?

Commissioner Kohler: No

Chairman Oksner: Can you just accept Jim's proposal and read your amendment in to it?

Commissioner Ream: Yes

Commissioner Ream: My amendment is that we recommend to the City Council that they make the connection between Burgi Hill Ranches and this development emergency vehicles only both ways.

Second: Commissioner Streeter

Ayes: Commissioners Ream, O'Toole, Streeter

Nays: Commissioners Kohler and Nichols

Chairman Oksner: It passed three (3) to two (2).

Planner Henke: In order for the motion to carry there has to be four (4) votes, so that motion fails.

Commissioner Nichols: I think the real unfortunate thing here is a lack of foresight in putting a collector road through this area and there is no good solution to this. I think that this plan is a decent compromise and is probably should be passed. I didn't want this collector going past my home in Dutch Fields, so I have a really hard time in good conscience voting for it to go past anybody else's house. I do think that this plan is as good as we're going to get.

Commissioner O'Toole: If there is another way I would agree with you. We've looked at this and talked about it we've tried to figure out where we could put that and I agree with you that this is probably the best compromise we could make.

Paul Berg: Chairman the other option you have is to let it move forward to City Council without a recommendation from this body. Let them know that you were a split vote which is probably a good indication of how the last four (4) or five (5) months have gone. We've debated it quite a bit and have worked really hard to satisfy nobody it seems like. I do think that every side is trying to do their best. Steve said that the plan we've presented is a compromise. The option that you have now is to come together and maybe make a recommendation and at least four (4) of you could agree on or just let it move forward to the City Council without a recommendation.

Planner Henke: We can move forward as Paul mentioned. It wouldn't have a recommendation of approval with the three (3) two (2) vote, but it would be a split vote and we could indicate that

to the City Council how the voting went.

Chairman Oksner: Then let's do that, we've got to move it out of this particular commission. It's worn out. Everybody okay with that?

Commissioners: Yes

ITEM: 5

Concept plan review for a proposed 28 lot large-scale subdivision to be called Midway Point Subdivision that is located at 312 North Homestead Drive. The property is located in the R-1-15 zone.

- Important trail connection from the resorts to downtown
- Traditional home on a lot not a PUD
- Will need to do a wetland study
- Start time about spring of 2017

*No motion

ITEM: 6

Concept plan review for a proposed 97 lot large-scale subdivision to be called Midway Springs Subdivision located at about 200 East 600 North. The property is located in the R-1-15 zone.

Russ Watts: We want to create a Master Plan community with a common core of space and when you combine the two (2) properties there is 50 acres of property. We would have 97 homes which is 1.9 homes per acre. The reason why we are not presenting the full plan tonight is because we are in the middle of a wetland study with the core of engineers. We've decided in our planning that pedestrian connectivity is important so we've planned public trails through this community. There is 37 acres of open space. We are here tonight to get the public's input as well as the commissioners input.

Commissioner O'Toole: With this preliminary plan, what are the two (2) access points right now?

Russ Watts: Both are on 600 North, one on the east and the other on the west.

Chairman Oksner: If possible as you go through this project and depending on what the wetlands study show. I'd like to see the trail be as straight as it can be.

Commissioner Streeter: Your trail system is kind of the interstate of trails. I'm wondering if it's a possibility of dividing the trail(s) into a fast lane slow lane trail system.

Russ Watts: I'll leave that to Wes and Planner Henke on how we'd design that.

Planner Henke: What I'd like to see is to connect the Valais park all the way down to Main Street and that will benefit everybody of the whole northern side of the City. I'd like that as straight as possible.

Chairman Oksner: I'd like to see livestock property throughout Midway. Can any of this be preserved for livestock presents?

Planner Henke: This zone is not zoned for animal rights. It only has historical animal rights so I don't think that we could have animals on this property.

Commissioner Streeter: Having both access points off of one road is essentially like having only one access point.

Paul Berg: We've been through many discussions on where the access would work. Given the options we have had to work with this is the best we can do.

City Engineer; Wes Johnson: With River Road and Center Street circulation transportation I do view that as two (2) ways in and out off of 600 North.

Chairman Oksner: How soon do you project on starting this development?

Paul Berg: If everything went well, maybe by fall of this year.

Commissioner Streeter: Will you be moving any irrigation ditches?

Paul Berg: No

Public: Will there be a traffic study?

Planner Henke: That is a good suggestion and with this size of development I would say that we do need a traffic study.

Chairman Oksner opened the meeting for public comment

Terry Miller: The infrastructure needs updating and the water line on 600 N has broken twice this year. I'd like to see the traffic study; I don't want a round a bout in front of my house.

City Engineer, Wes Johnson: We know there is a deficiency on the water line on 600 N and possibly to the sewer line as well. We'll require the developer to make the necessary upgrades.

Steve Dougherty: I access my house and development off of 600 N and it is inadequate for the traffic that is currently there. I suggest that you tell Watts Enterprises to have a public community meeting. There needs to be a wild life study.

Amanda Peterson: I don't disagree that there should be a development in this area, but I'm concerned about the level of density. The community should have to help out and look for ways to get more open space.

Renee Holm: I'm concerned that we are not charging enough for impact fees. How are the impact fees established? We pay a lot in taxes and we are subsidizing developers, that's painful. We are considered a bedroom community.

City Engineer; Wes Johnson: We have models that look at the entire build out of Midway and the zoning and what the potential could be and it shows us how big of a water line etc. would need to go in there and then how much it would cost to build. I am confident that we are collecting enough money in impact fees to cover these costs.

Athina Koumarela: I'm looking at the proposed high density areas that you're talking about and I'd like to know what the per acre density of those houses is.

Planner Henke: The base density for the other half that is not shown on this map is the same as an R-1-15 so it's three (3) houses per acre. With a PUD we use gross acreage not net acreage meaning the roads are subtracted out of it.

Star Stratford: I've heard for every household we average ten (10) trips per day. Is that right?

Planner Henke: It's just under ten (10) trips per day for somebody living here full time.

Star Stratford: So if there are 100 new houses then that's 1,000 trips per day that will be added onto 600 North. I just wanted to throw out that number, because I do live on 600 North. I realize that they can spilt half way, half may go one way and the other half may go the other way. We already have issues with speed, I want to say that traffic is a real concern.

Brad Hart: I'm curious to what the City's take on open space is? What is being proposed here is a lot of unusable open space, is it just considering the wet lands as open space?

Closed public discussion

*No Motion Made

ITEM: 7

Review and possible recommendation of the Wasatch County Regional Trail Master Plan. The plan sets trail standards and locations where future trails will be constructed.

Courtland Nelson: Midway City is looked at as the leader here in the valley for trails. We are ahead of the other municipalities in the kind of conversations that we've had concerning trails. This is really connecting the four (4) municipalities with the state park and how to get that done.

Commissioner Streeter: How do you come up with a plan for trails?

Courtland Nelson: I have this document and in this document it talks about different trail types, protection, separation, equestrian issues and also what they've done in downtown SLC. It's a bike lane within a street lane that is protected. All of that is in this document and that is the starting point for this discussion.

Chairman Oksner: All the roads you are talking about are UDOT roads. How willing are they to spend their money to help us with this?

Planner Henke: Our main roads are UDOT roads here in Midway. That is an advantage for us to tap into their money and we do have a good relationship with UDOT. We do want to connect all the way down to the rail trail.

Chairman Oksner: We are a resort community. By connecting the rail trail to the existing trail that is on the west side of Deer Creek, that will go from Midway all the way to Antelope Island. Quite a large biking community will evolve over a period of time.

Commissioner Ream: I hike a lot and there are some amazing hiking trails all around here, but what I find is that I'm driving to the trail head. From downtown Midway it is very difficult to get on a trail or sidewalk to get to a trail head. We just don't have all the connections yet.

Planner Henke: Little by little we are getting those. For example; the Dutch Canyon subdivision there is a trail up Dutch Canyon and that will provide a connector for those subdivisions in that area our goal is connect even further down into the center of town. Slowly we'll get there.

Chairman Oksner opened to public comment

Scott Lewis: I'm curious about any trail plans that might be planned down Center Street down to downtown Midway. I worry as a driver, there are a lot of people that walk the path and there are always women with their kids in strollers & they have their dogs with them too.

Jessica Asher: I do ride my bike with my little kids and my dog. You said something about trail classification. Are most of them going to be separate trails?

Planner Henke: We would like the classification of the trail to continue on.

Tracy Taylor: Homestead Drive has been a nightmare. I'm surprised that the Zermatt and the Homestead have rental bikes that people can rent and then they allow them to go out on to Homestead Drive. I think that is a safety issue and that is negligence to send people who don't know our area out on a bike. I'm surprised that they got insurance for that. Have we even approached Zermatt and Homestead about paying for some of these trails, because they benefit

from all of these trails from their bike rentals. Have we thought about a have a little extra TRT tax on Zermatt and Homestead on every room that goes towards trails? I know that Wasatch County does TRT taxes for the whole county and maybe Midway gets a portion of that. I'm saying a special tax an added tax for our hotels in just Midway to deal with Midway's trails.

Planner Henke: We have a couple things in place, we do have the TRT tax for all transient rentals and we also have a resort tax on top of that which ends up being about four hundred thousand per year.

Tracy Taylor: Where does that money go?

Planner Henke: It doesn't go specifically for trails, although it could be used for trails. We've used our impact money more than anything for trails. Regarding the Homestead they are responsible for building the trail in front of their property with the Master Plan they got approved about six (6) years ago. When they build phase one (1) of the Homestead new Master Plan they will then have to build the trail along the frontage. I've never had a conversation with Zermatt regarding the trail. They want the trail, but they are not willing to do any offsite improvement for the trail.

Commissioner Ream: I think this is raising priority questions on which trails get priority. Is that going to be a part of the trails subcommittee?

Planner Henke: Yes, it can be a part of the trails subcommittee, that's going to be discussed in the committee for sure.

City Engineer, Wes Johnson: One of the reasons that the Homestead Drive has become top priority is because it is a UDOT roadway and UDOT has committed in participating in helping pay for this trail. Development has a lot to do with our timing and the funding that we have basically connects dots. We just don't have the money to go out and do the whole project by ourselves. I'm concerned about the funds for maintaining all of these trails.

Planner Henke: For years I've received complaints about Homestead Drive, I've not had complaints about Center Street. Tonight is the first time I've heard complaints about Center Street.

Scott Lewis: I travel Center Street every day, when I leave at 5:30am people are out walking and people will walk it in the evening up until dark. Center Street takes you places it takes you to restaurants and the grocery store. They walk this path because it's close enough that they feel like they don't need to drive. Maybe this trail should be considered and it should be higher up on the priority list since there is so much that feeds into this area and especially now with this new development that has been proposed tonight.

Chris Crittenden: How can we as citizens impact the priority of the trails? I'm pretty sure that I could gather enough people to vote for a Center Street trail.

Planner Henke: I think that we need to look at the overall trails plan and look at the priorities. Again, we've got a number of pieces already built on the Homestead trail and it wouldn't just service the resorts. I'm getting the feeling that people are feeling that way, but it's for the whole community. It's connecting the community to the state park which has a number of trails built in that area.

Chris Crittenden: I think that's a great trail, I just think that we should let the community decide.

Motion: Commissioner Kohler: I make a motion to continue this item to a future unspecified date.

Second: Commissioner Ream

Ayes: Commissioners Ream, O'Toole, Streeter and Nichols

Nays: None

Motion: Passed

ITEM: 8

Staff will give a presentation regarding the Midway General Plan. The City adopted the General Plan in 2011 and it is time for a five-year review of the plan. The review process will last approximately one year.

- Will be putting a survey up on the Midway City website next week, will be putting up banners to advertise the survey
- Will be starting our committee meetings once the survey has been up for about one (1) month

*No Motion

ITEM: 9

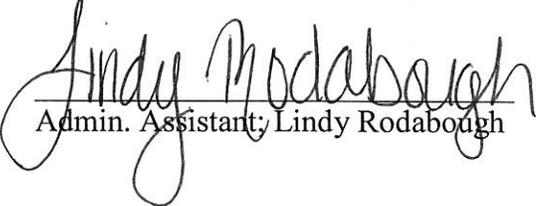
Adjournment

Motion: Commissioner Nichols: Motion to adjourn

Adjournment time: 10:41pm



Chairman; Mickey Oksner



Admin. Assistant; Lindy Rodabough

