

**Midway City Planning Commission Regular Meeting  
June 17, 2015**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., June 17, 2015, at the Midway City Community Center  
160 West Main Street, Midway, Utah

**Attendance:**

Mickey Oksner – Chairman  
Chip Maxfield  
Steve Nichols  
John Rather  
Jim Kohler  
Nancy O’Toole

**Staff:**

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

**Excused**

Stu Waldrip – Co-Chair  
Natalie Streeter  
Bill Ream

**6:45 P.M. Work/Briefing Meeting**

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

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

**Call to Order**

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance  
Opening Remarks or Invocation. Commissioner Kohler offered an invocation.  
Commissioner Oksner led the Pledge of Allegiance.

**Regular Business**

1. Review and possibly approve the Planning Commission Minutes of May 20, 2015.

**Chairman Oksner asked if there were any discussion on the motion**

There was none

Motion: Commissioner Kohler; I move that we accept the minutes from last month’s meeting as corrected.

Seconded: Commissioner O’Toole

Ayes: Commissioner O’Toole, Nichols, Maxfield, Kohler, and Rather

Nays: None

Motion: Passed

## ITEM: 2

Annual election of a Planning Commission Chair and Co-Chair.

### Article 5

#### Planning Commission Officers

The officers of the Planning Commission shall consist of a Chair, Vice-chair, and Secretary. The Chair and Vice-Chair shall be elected from the membership of the commission at the first meeting of the Midway City Planning Commission in June of each year and serve until the next annual election or until the election or appointment of their successor.

The Secretary need not be a member of the commission and may be member of the City's administrative staff or an individual appointed by the Chair.

#### Chairman Oksner asked if there were any further discussion

There was none

**Motion:** Commissioner Maxfield; I nominate to continue the chair and vice chair as we currently have it.

**Seconded:** Commissioner O'Toole

Commissioner Rather: Are we voting for both or just one?

Commissioners: We are voting for both.

Commissioner Rather: I'd like to separate them.

Chairman Oksner: Ok, let's go with chair first. Commissioner Maxfield and Commissioner O'Toole, are you standing with your motion and second?

Commissioners Maxfield and O'Toole: Yes

**Ayes:** Commissioner O'Toole, Maxfield, Kohler, Nichols and Rather

**Nays:** None

**Motion:** Passed

#### Co-Chair

**Motion:** Commissioner Maxfield: I nominate Stu Waldrip to be the vice chair.

**Seconded:** Commissioner O'Toole

**Ayes:** Chairman Oksner and Commissioner Maxfield

**Nays:** None

**Motion:** Doesn't carry

Commissioner Rather: I'd like to nominate Nancy O'Toole as co-chair.

Commissioner O'Toole: I don't know if I can because I'm an alternate.

Planner Henke: A nominee has to be a full member.

Commissioner Rather: Then I'd like to nominate Steve Nichols.

**Seconded:** Chairman Oksner, Commissioner O'Toole

**Ayes:** Commissioners O'Toole, Oksner, Maxfield, Kohler and Rather

**Nays:** None

**Motion:** Passed

### ITEM: 3

**Derek Moser of Hymark Homes, agent for Morris and Frenndt Development LC, is requesting Final Approval for Sunburst Ranch Phase II, a large scale planned unit development. The proposal is for 19 units on 4.41 acres. The subdivision is located on North Olympic Way and is in the R-1-22 zone.**

### BACKGROUND:

This request is for final approval of Phase II of the Sunburst PUD. This phase is located in the northeast area of the development and will contain 19 units on 4.41 acres. The Sunburst master plan was originally approved by the City in 1997. The master plan contains three phases. The first phase has been completed and contains 31 units. The second phase will contain 19 units. The third and final phase will contain 36 units. The total for the entire master plan is 86 units. The units in Phase II will be part of the Sunburst Home Owners' Association (HOA) and will have access to the amenities provided by the HOA. The units in phase II will also be subject to the design guidelines as stated in the CC&Rs and will need to receive approval from the HOA.

### ANALYSIS:

*Roads* – There will be a private cul-de-sac in this phase and a public road that will connect to future development to the north. North Olympic Way is a public road in phase I and will continue as a public road through phase II. It will be classified as a local street. There will be a five foot park strip and a five foot sidewalk along the road on both sides. The cul-de-sac, Olympic Circle, will be a private road with a public access easement and it will be maintained by the Sunburst HOA. There is a landscaping island that will be built in the center of the cul-de-sac which will be maintained by the HOA.

*Visitor parking* – There is one 3-stall and one 6-stall visitor parking areas included in this phase. The 3-stall is located only the private cul-de-sac and the 6-stall is located on the public road.

*Sunburst HOA* – Phase II will be included in the Sunburst HOA that exists for phase I. The CCRs include a boundary description that covers all three phases of the Sunburst PUD. The units in phase II will be subject to architectural review of the HOA. The residents will also be subject to any other rules that are stated in the CCRs. Residents will need to pay any dues that are required for maintenance of the private streets, common area, and amenities that currently exist or will be built in phase III.

*Landscaping bond*- The developer will be required to bond for the landscaping, as per the landscaping plan, in phase II at 110% of the estimated cost. This will be included in the construction bond for Phase II.

*Phase building pads* – The building pads in phase II will be larger than the building pads in phase I. This is mostly based on the reason that City code has been amended since phase I

was developed. The code now requires that all the structure, including eaves and window wells are contained entirely within the building pad. In order for the developer to build the same homes in phase II as in phase I the pads must extend about 5' for each dwelling.

#### **POSSIBLE FINDINGS:**

- The proposal does match the approved master plan.
- The proposal does comply with the requirements of the land use code.

#### **ALTERNATIVE ACTIONS:**

1. Recommendation for approval. This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. 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 does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

Commissioner Kohler: Will lots numbers 31- 39 have walk out basements?

Paul Berg: Yes they will have walk out basements. The following lots could possibly also have walk out basements; numbers 40, 45 and 47.

Planner Henke: Any structure higher than 30 feet requires an elevation certificate to make sure that the code is being met.

Paul Berg: I'd like to present something on the landscaping. This landscape plan was prepared by Carl Berg same landscape architect who helped design the improvements to phase I when they had their project in 2010, so we've tried following the same thing. Here in the very back it is

designed to be a native grass mix and it wouldn't need weekly mowing like a Kentucky blue grass would.

HOA President: Mike Anderson: The HOA would like to have the Kentucky Blue grass in that farther back area and have it continue all the way to the pond and have a trail down there and have it tie into phase III. The HOA would like to get away from the bark.

Paul Berg: I would encourage the HOA to work with Derek or with me on this.

HOA President: Mike Anderson: The other thing that needs to be address is the bark between the houses. It does not tie in with phase I. In phase I they are all separated by grass, with some having flower beds.

Paul Berg: Wouldn't that help solve some of your problems though with not watering right up against the foundation?

**Chairman Oksner asked if there were any further discussion**

There was none

**Motion:** Commissioner Nichols; Mr. Chairman I would move that we recommend to the City Council approval of this final plan with the findings staff has raised the proposal does match the master plan that the proposal does comply with the requirements of the land use code and with a recognition that there is an agreement in place that the developer of phase III; Bob Condie provide funds for each building permit to finance the property with the condition that the issues surrounding the landscaping be worked out with staff prior to this going before City Council.

**Seconded:** Commissioner Maxfield

**Ayes:** Commissioner O'Toole, Nichols, Maxfield, Kohler and Rather

**Nays:** None

**Motion:** Passed

**ITEM: 4**

**Paul Berg, agent for LeeRoy Farrell, is requesting Final Approval for the Killowen Village Subdivision, Phase 3. The proposal is for three lots and is on 2.11 acres of land. It is located at 305 West 500 South and is in the R-1-22 zone.**

**BACKGROUND:**

This request is for final approval of Killowen Village Phase III. This phase consists of three lots (lots 6, 7 and 8) and covers an area of 2.11 acres. This is the final phase of the Killowen Village master plan. The current use on the property is agriculture. The developer will build a road through phase two and in phase three to create the frontage for the three lots. There will be a temporary cul-de-sac that will partially cover lot 8 and once the road is continued in the future the cul-de-sac bulb will most likely be removed. .

The property is located in an R-1-22 zoning district and the lots comply with the minimum requirements of frontage, width and acreage for a lot in this zone.

## **LAND USE SUMMARY:**

- 2.11 acre parcel
- R-1-22 zoning
- Proposal contains 3 lots (all are 0.5 acres in size)
- Proposal is phase 3 of a three phase development
- The lots will connect to the Midway Sanitation District sewer and the City's water line

## **ANALYSIS:**

*Roads* – The developer will build 570 South from 250 West through phase II and through phase II. The road will be public and a temporary cul-de-sac will be built on an easement on lot 8. Once future development occurs 570, South will extended and the temporary cul-de-sac may be removed.

*Trails* – there are no trails planned that cover the area in phase II.

*Water Connection* – The lots will connect to the City's water line located in 500 S.

*Sewer Connection* – The lots will connect to Midway Sanitations District's line located under 250 West.

*Pressurized irrigation line* – Currently a pressurized irrigation line crosses under the area of the subdivision. This line will need to be relocated and placed in the new irrigation easements that will be recorded along the route of the irrigation line.

*Right to farm* – There are active farming operations to the west and south of the phase III. These operations will continue into the future and staff feels that a note should be placed on the plat, same as in phase II, so that future lot owners understand that there may be some inconveniences that may occur because of this proximity.

## **POSSIBLE FINDINGS:**

- The proposed lot meets the minimum requirements for the R-1-22 zoning district
- The proposal does meet the intent of the General Plan for the R-1-22 zoning district

## ALTERNATIVE ACTIONS:

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

1. A Development Agreement must be recorded with the plat.
2. A fence will be installed along the western boundary that will match the fence approved for phase II.

Commissioner Kohler: I have a question on two of the lots. One of them has the temporary turn around and the other one has the retention pond. Is that a part of the half acre size of the lot?

Planner Henke: Yes it is. Emergency response requires this turn around. Part of the property would not be usable. There is no projected time frame for the road to continue through.

Commissioner Maxfield: The field fence on the west was put in as a proposed condition. What about the south?

Planner Henke: The property to the south is owned by the three (3) Farrell families together. The land owner to the west is just Steve Farrell's property and that is why he has requested a field fence be placed on the west property boundary and not the southern boundary.

Paul Berg: When phase II was approved, LeeRoy Farrell based off of the request of Steve Farrell offered to put up a field fence along phase II on the west boundary line. I would hate to see LeeRoy's offer made into an ordinance or code.

This is the first time that I have heard of having the fence continue down through phase III. I'd like to have the opportunity to talk to LeeRoy and see if he'd like to make the same offer for the field fence for phase III like he did for phase II. I don't think that City ordinance would allow you to make this a requirement.

Planner Henke: I agree with Paul. Our code does not require any type of fencing plan. However, I do think that it is possible to make a recommendation from the Planning Commission to have a field fence along that boundary.

**Chairman Oksner asked if there were any further discussion**

There was none

**Motion:** Commissioner Maxfield; Mr. Chairman I'll make a motion to approve this item with staff findings and include the additional condition for the field fence along the west property line.

**Seconded:** Commissioner O'Toole

Commissioner Rather: I don't like the idea of requiring that fence or even suggesting it. I think that it's between the two men. I think they need to cut a deal between themselves. I can't vote for recommending that. I'd like to strike that from the motion.

Commissioner Nichols: We don't have the authority to require the fence.

Commissioner Maxfield: As the maker on the motion I'll strike that condition.

**Seconded:** Commissioner O'Toole, I second that motion as amended.

**Ayes:** Commissioner Oksner, O'Toole, Rather, Kohler, Nichols

**Nays:** None

**Motion:** Passed

**ITEM: 5**

Kraig and Janette Higginson are requesting a Conditional Use Permit for an Agricultural Greenhouse. The proposal is located at 1200 South Center and is in the RA-1-43 zone.

**BACKGROUND:**

Kraig Higginson is petitioning for approval of a large agricultural building (17,000 sq. ft.) of which part will be used to grow agricultural products (11,000 sq. ft.), mostly for personal use but they would like to have the ability to sell some of the produce. This proposal requires that a conditional use permit (CUP) be approved by the City because of the size (being over 1,000 sq. ft.) and because there will be a commercial component to the structure.

The building has been constructed on the foundation of the Price barn which was destroyed by fire. It will contain an office/family gathering area, garage, bedding and planting area, fruit tree

garden, and three greenhouse areas. There is also an aquaponics area listed on the plan that will be allowed since the City's Land Use Code now does permit this type of use.

Though this is a proposed commercial greenhouse it is much smaller than the previous proposals that have been reviewed by the City. The Higginsons are interested in creating a sustainable farm where they can grow produce and food and where they will be able to create electricity through solar panels they plan to place on the property. There is currently one dwelling on the property and the Higginsons may apply to subdivide the 70-acre parcel into 6-10 lots where they and their children will build homes. They will keep the vast majority of the property in agriculture. This agricultural area will surround the lots that will be created near the center of the property. This has been stated as the current plan but the Higginsons are allowed to apply for any land use application that complies with the Land Use code.

The building itself looks agricultural in form and not industrial unlike previous proposals. It will be constructed to have the form of a barn/agriculture building (see attached renderings) but walls will be mostly glass. The roof is made of polycarbonates which allow 80% of sunlight to filter into the building in the greenhouse areas. The majority of the building will be used to grow agriculture for the families living on site but they would like the ability to sell any extra agriculture to retail establishments in the area. They see this as a way to be more self-sufficient but also as a way for the family to work together. It is possible that some employees may work at the facility in the future but initially it will be a family operation.

This item has been noticed in the local newspaper for two weeks and in the State's website for the Planning Commission meeting. Mailed notice will be sent out to all property owners within 600' before the public hearing before the City Council.

#### **ANALYSIS:**

Below are specific requirements for commercial greenhouses. First the requirement in the code is listed and following is information on how the applicant complies with the ordinance.

*Five-acre minimum* – currently the property is about 70 acres in size, though it could be subdivided in the future. If the property is subdivided in the future the commercial greenhouse will need to remain on a five-acre lot.

*Greenhouse will not exceed 35% of parcel area* – the proposed structure is less than 1% of the entire parcel area.

*100' setback from all property lines* – the proposed structure is 250' from the closest property line and the next closest boundary is the west property line at a distance of 400'.

*Screening, berming, and landscaping* – the applicant has not proposed any specific landscaping.

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not have a significant impact on the neighborhood. Also, staff has analyzed the proposal and it appears that it will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *no issues have been identified.*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *because of the aquaculture component of the operations the State will monitor and inspect the facilities. The building itself will need to receive a certificate of occupancy before operation may commence.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *no issues have been identified.*
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed use and associated traffic is consistent with the adjacent units and the neighborhood.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the proposal is suitable based on the proposed use.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety; *no detrimental impacts have been identified.*

#### **POSSIBLE FINDINGS:**

- The proposed use is a conditional use in the RA-1-43 zone.
- The proposal does meet the vision for agricultural development in the RA-1-43 zone.

## ALTERNATIVE ACTIONS:

1. Recommendation of (Conditional) Approval. This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
  
2. Recommendation of 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 does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

Chairman Oksner: Commercial had a 35% coverage; agricultural has a 15% coverage.

Planner Henke: That did not change in the code it is still 35% coverage.

Commissioner Nichols: Is there still a commercial category?

Planner Henke: No, it is agricultural only.

Commissioner Maxfield: As far as aquaponics go. Is this only applicable to this application or is it changing the code for anybody with agricultural greenhouse?

Planner Henke: Anybody with an agricultural greenhouse can petition the City to have aquaponics, but they would have to specifically ask for that as a part of the CUP process.

City Engineer: Wes Johnson: Aquaponics is relatively new. I'd be a little uncomfortable until we have a chance to monitor and see the affects before letting anybody have aquaponics in a greenhouse. They will connect to the public sewer system versus a septic tank.

Commissioners: Had a long detailed discussion concerning the following items.

- processing of the fish
- processing the fish that will pass of natural causes
- how the potential odors will be controlled
- will the fish only be removed from the property live
- harvesting, processing, and packaging the fruits and vegetables

Commissioners: The applicants will need to present a more comprehensive plan.

**Chairman Oksner asked if there were any further discussion**

There was none

**Motion:** Commissioner Rather; I'd make a motion that we recommend that their proposal and submittal be approved with the following conditions, that there will be further explanation of what the process is. Not whether it will be sold live or not but what the process is to get to that and that be presented then to the City Council, the complete process of the fish production.

**Seconded:** Commissioner: None; it died

**Chairman Oksner:** In that case I ask that we have a motion to continue.

**Motion:** Commissioner Nichols; Mr. Chairman, I would move that we adopt the findings of staff on this issue that the proposed use is a conditional use in the zone proposal does meet the vision for the zone and recommend to the City Council that this permit be granted with the condition that fish unless they die of natural causes have to be removed from the property live. With the further recommendation that we look at whether or not this is the appropriate standard to put into the code or whether the code should be amended in some other way to cover the issue of processing and removal.

**Amend Motion:** Commissioner Maxfield; to accept finding as Nichols just stated with the condition as he stated with all fish raised need to leave the property in tact in a live condition. Then what I want to amend instead of making this a condition here that I don't think will work. I'd like to give specific direction in your motion to staff to discuss processing of fish and how to condition processing of fish in the code.

**Commissioner Nichols:** I'll accept that amendment.

**Seconded:** Commissioner Rather

**Ayes:** Commissioner Nichols and Rather

**Nays:** O'Toole and Maxfield

**Motion:** Motion Denied

**Motion:** Commissioner Nichols; Mr. Chairman, I will make a motion that we continue this issue until our next meeting and that we request that staff work with the applicant to develop what should be the appropriate requirements as far as fish transportation from the site and what we mean by processing.

**Seconded:** Commissioner O'Toole

**Chairman Oksner:** Discussion.

**Commissioner Kohler:** I'd like to suggest an addition to that, that we also have a more firm proposal from the applicant in front of us regarding the whole process and operation.

**Commissioner Nichols:** I accept that amendment.

**Commissioner O'Toole:** I second that amendment.

**Ayes:** Commissioner Nichols, O'Toole, Kohler

**Nays:** Commissioner Rather and Maxfield

**Motion:** Passed

**ITEM: 6**

**Midway City is proposing a Code Text Amendment for Section 16.13.35: Bed and Breakfast Establishments. The Planning Commission will discuss the current ordinance to decide if any changes need to be made regarding requirements and areas where this use should be allowed.**

**BACKGROUND & ANALYSIS:**

This item was continued from the Planning Commission's May 20<sup>th</sup> meeting. In that meeting staff received direction from the Planning Commission about where Bed and Breakfast (B&B) establishments should be allowed. There were three circumstances that were to be written into the code that include the Transient Rental Overlay District (TROD), in structures that are considered historic (over 75 years old), and on properties of a specific acreage. Below is the proposed code text for Section 16.13.35 Bed and Breakfast Establishments:

Bed and breakfast establishments shall be allowed as a conditional use if any of the following criteria are met:

1. Located in the Transient Rental Overlay District (TROD)
2. Established in a structure that is at least 75 years old
3. Located on lot that is at least two acres in size
4. Is not excluded ~~all zones where they are not specifically excluded by the zoning requirements of that zone and~~ by private Covenants, Conditions, and Restrictions (CC&R's) of the development and if the establishment complies with said CC&R's and the following requirements:

The aforementioned criteria will greatly limit the possibilities of B&Bs in Midway. The TROD is limited in size and potential locations are narrow but there are still possibilities for this use within the TROD. Midway does have many historic structures but many of those may not be suitable for this type of use but staff does believe there are possibilities for this use in historic structures. Also by adding the possibility of a B&B on any parcel that is over two acres size does create some possibilities but the vast majority of the residential lots in Midway are less than two acres in size. Two acres does give any future B&Bs some room so they should not be a nuisance for surrounding property owners but if there are specific issues for a site they can be addressed with conditions as part of the Conditional Use permitting process.

Below is the original staff report for the proposed amendment:

The purpose of this item is to review the current ordinance for Bed and Breakfast Establishments, specifically the locations where this use is allowed. The City recently had an application for The Hiking Inn Bed and Breakfast which was approved by City but the neighbors in the area were very concerned with how the Bed and Breakfast would affect the neighborhood. It was decided by the City to open the discussion regarding the current ordinance to explore potential changes that might be more acceptable to residents of the City.

The current Bed and Breakfast ordinance found Section 16.13.35 has been in the City Code most likely at least 10 years. Midway has a history of Bed and breakfast establishments that include Invited Inn, The Johnson Mill, Inn on the Creek, and the Blue Boar Inn. Those establishments were all built before many of the current residents of the City moved here and it is possible that what was acceptable when they were built is not acceptable now. The population was much less then and the residences were more widely dispersed so the impact of those establishments was probably minor. Today Midway has many more residents and there is sentiment that a commercial business, such as a Bed and Breakfast, may not be compatible in a purely residential neighborhood. Many residents in Alpenhof were completely surprised that a commercial business was allowed in their neighborhood. The concerns they raised covered a large spectrum and included how their property values would be affected, liability on their property, safety of their children, and traffic to name several. The current ordinance allows Bed and Breakfasts in any zone in the City as a Conditional Use.

Bed and breakfasts are important to the City as a good source of tax revenue. This revenue benefits all the residents of the City because they potentially lower everyone's taxes because of the extra taxes collected from commercial property tax, transient rental tax, resort tax, and sales tax generated from tourism. It would be short sighted to limit this use in a way that it becomes not feasible because of the location limitations. Another item to consider is the General Plan does promote economic development and tourism is one of our best sources of development and revenue.

Staff has discovered some options for the Planning Commission to discuss regarding this issue which are the following:

- Limit Bed and Breakfasts to the Transient Rental Overlay District (TROD). This area has already been decided by the City to be an area where transient rentals (nightly) are allowed. This area covers the commercial zones and the areas around the resorts along with some scattered islands around the City. It would seem reasonable to limit this use to this transient rental district.
- Allow Bed and breakfasts to areas within 1300' (quarter mile) of the resort zone or the TROD. This would limit them to the general area where most the tourism is located.

- Allow them only in structures that are considered historic (75 years or older). This would reduce the potential sites greatly in the City.
- Allow a combination of the options above such as allowing them in the TROD and in structures that are at least 75 years old.
- We could also leave the ordinance as is which allows Bed and Breakfasts in any zone in the City as a Conditional Use.

#### **POSSIBLE FINDINGS:**

- Bed and Breakfasts help promote tourism which is part of the vision described in the General Plan.
- Bed and Breakfasts are good sources of tax revenue for the City which in turn benefits all Midway residents.
- Bed and Breakfasts are a commercial activity that may not be a compatible land use for every zone or area in Midway.

#### **ALTERNATIVE ACTIONS:**

1. Recommendation for approval. This action can be taken if the Planning Commission feels that the proposed language is an acceptable addition to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
3. Recommendation of denial. This action can be taken if the Planning Commission feels that the proposed language is not an acceptable addition to the City's Municipal Code.

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

**Chairman Oksner asked if there were any further discussion**

There was none

**Motion:** Commissioner Maxfield; My motion is to approve this item as stated with items 1, 2 and 3 being in the criteria, item 4 being struck as an item and the verbiage attached to the first paragraph and present that to the City Council.

**Seconded:** Commissioner Nichols

**Chairman Oksner:** Any discussion

**Ayes:** Commissioner Rather, Nichols, O'Toole and Kohler

**Nays:** None

**Motion:** Passed

**Adjournment at 9:33 pm**

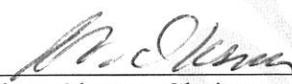
**Motion:** I motion to adjourn.

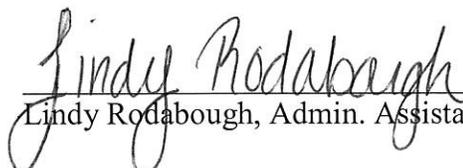
**Seconded:** Commissioner O'Toole

**Ayes:** Commissioner O'Toole, Kohler, Maxfield, Nichols and Rather

**Nays:** None

**Motion:** Passed

  
\_\_\_\_\_  
Mickey Oksner, Chairman

  
\_\_\_\_\_  
Lindy Rodabaugh, Admin. Assistant