



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** August 16, 2017  
**NAME OF APPLICANT:** Midway City  
**AGENDA ITEM:** Code Text Amendment of Title 16.16.10

### **ITEM: 4**

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code that would amend the ability of sensitive lands to be included as required open space located in Section 16.16.10 of the Land Use Code. This item is based on amendments made to the General Plan that were adopted earlier this year. Those amendments promote preserving Midway's rural atmosphere and reducing density where appropriate.

### **BACKGROUND:**

The purpose of this item is to review and amend the City's land use ordinance regarding setbacks with the goal of preserving view corridors and preserving a rural atmosphere in Midway. The purpose of reviewing the ordinance is based on the newly revised Midway City General Plan that was adopted in January of this year. Two of the main goals of the General Plan revisions were to promote open space and to preserve the rural character of Midway. These two goals developed from the City's General Plan survey that was conducted in 2016. In that survey information was gathered regarding the residents' preferences of the vision they have for Midway. 66% of the 483 responses to that survey stated the rural atmosphere was very important to them. 88% felt that preserving open space was very important.

The idea that developed in the Community Vision Committee that was formed that reviewed that chapter of the General Plan was to preserve open space by reviewing and modifying what currently qualifies as open space. Currently open space can be useable/developable land and it can be sensitive lands also. There has been concerns raised that each development with open space should have land that it usable and that the development should not be able to meet code requirements by having all sensitive lands be used as open space. If a development has acres of sensitive land then it is possible that there will be no non-sensitive lands that will be open space. The committee felt this provision should be reconsidered so that all development has usable open space. Below are some examples from the General plan that promote protecting open space:

*Elements of the Community Vision*

- *Effective planning through clustering, setbacks, Transfer Development Rights and animal/agriculture ordinances will help Midway to preserve its view corridors, maintain open spaces and reinforce a country/rural feeling.*
- *Midway is characterized by valuable open space resources that contribute to the community's character and overall quality of life. Open spaces hold value for ecological, agricultural, cultural and recreational qualities, and these lands are worthy of careful planning and conservation.*
- *Midway will retain a rural atmosphere through open space preservation*
  - *Through effective zoning, Midway will plan for density closer to its core reinforcing more open space and less density as the City grows to its limits.*
  - *All developments will incorporate various kinds of open space into their projects.*
  - *Open spaces will be accessible, visible, appropriately landscaped (depending on the open space purpose and use) and will be aesthetically pleasing.*
  - *Development and City entryways will be landscaped, aesthetically pleasing and, where appropriate, will reinforce a Swiss/ European theme.*
  - *Effective planning through clustering, setbacks, Transfer Development Rights and animal/agriculture ordinances will help Midway to preserve its view corridors, maintain open spaces and reinforce a country/rural feeling.*
  - *Animal rights will be protected and promoted to help preserve the rural atmosphere and preserve open space.*
- *Guideline 5: Encourage the preservation of prime agricultural land and open space within Midway and the surrounding valley. High-quality, well-planned residential areas with open spaces that support and complement the unique rural quality and character of the City;*

- *Goal 2: Encourage open space to preserve a high quality of life and to preserve Midway's rural atmosphere.*

*Development Vision*

1. *High-quality, well-planned residential areas with open spaces that support and complement the unique rural quality and character of the City;*
  2. *Open space areas, while preserving sensitive lands.*
- *Objective 1: Protect all of the environmental and natural resources of the City by requiring development to occur in a manner and location which respects sensitive environmental lands: wetlands, flood plains and natural drainage patterns, steep slopes, productive agricultural lands, geologically unstable areas, critical wildlife areas, vegetation and important scenic features such as ridge lines hillsides and view corridors.*
  - *Guideline 1: Consider reviewing the Municipal Code to possibly reduce density where appropriate.*

There is clearly support for protecting open space in Midway for many reasons. One of the best ways to accomplish this goal is by evaluating land that can currently be counted as open space through the subdivision ordinance. The code states the following in Section 16.16.10: Open Space General Requirements:

*D. Sensitive lands, as defined elsewhere in this Title, may be counted as open space, provided the lands also satisfy the other characteristics of open space set forth herein and shall be protected by the proposed development plan. Development alterations of any sensitive lands shall be prohibited except as allowed and defined elsewhere in this Title.*

Staff feels that protecting open space is one of the main goals of the General Plan. Open space should be both sensitive lands and usable land and each development should have some open space that is usable. Staff would like to propose amending the ordinance so that not all sensitive lands can be counted as open space. Developments should have a certain amount of space that is usable that can be irrigated and used for activities. This is a legislative item so public input is part of the process, therefore, staff has not defined code but is seeking guidance regarding code requirements. Hence, only ideas are shared in this report and the code will be written for the next Planning Commission meeting. Here are some ideas of how an ordinance may work:

- Allow only a percentage of sensitive lands to be counted as open space. This number can be 0% or it can be somewhere in the range of 0-100%.

- Changing the open space requirements will not necessarily reduce density in all developments but it will reduce density in some.
- The General Plan also encourages reducing density wherever appropriate. Requiring more open space can help reduce density and the impacts of the density on the City in many aspects that include traffic, financial impact, and the quality of life of the residents of the City.

**POSSIBLE FINDINGS:**

- Preserving open space is a main goal of the community
- Allowing only a percentage of sensitive lands to be counted as open space will assure that some usable land is counted open space
- Density will not reduce in many developments because of this change but it will require more clustering of the units

**ALTERNATIVE ACTIONS:**

1. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
  - 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
2. Recommendation of Denial. This action can be taken if the Planning Commission feels that the proposed amendment is not an acceptable revision to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial