PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: November 15, 2017

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Title 16

ITEM: 5

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code that would amend the requirements for setbacks of planned unit developments, large-scale and small-scale subdivisions located in Sections 16.16.8, 16.16.9 and 16.17.7 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 view corridors and the rural atmosphere of Midway.

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 was 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. 70% felt that the quietness of Midway was very important. 69% felt that open space protection 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 the rural atmosphere, preserve open space, and protect view corridors by extending the required setbacks along City streets. By doing this the City will help retain its rural atmosphere. Below are some examples from the General plan that promote this extending the setbacks from City streets:

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 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.*

- *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.*

- *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.*

- *Beautiful scenery and recreation has also made Midway a resort destination. Visitors from across the world have enjoyed the community's festivals, events, and outdoor opportunities. Midway seeks to maximize both economic strength and the rural character of the community.*

There is clearly support for protecting the rural atmosphere and protecting view sheds. One of the best ways to accomplish this goal is by extending setbacks along our City streets, especially collector roads. This is not a new concept to the City and efforts have been made to accomplish this goal but there are amendments that can be made to the current code to make the code more effective. Below are the current code requirements for setbacks for PUDS, large-scale and small-scale subdivisions.

Section 16.16.8 Standards and Requirements Specific to Planned Unit Developments

b. Setbacks adjacent to existing public collector streets or collector streets to be dedicated to the City shall be a minimum of 100 feet for all structures and parking. This setback area shall be landscaped in such a way as to reduce the visual impact of the buildings of the development from the public roads and yet not hide the view of the mountains and hillsides from the same public roads. For aesthetic and open space purposes, the Planning Commission and City Council may require further setbacks from the following roads:
i. Burgi Lane;
ii. River Road;
iii. Pine Canyon Road;
iv. Homestead Drive;
v. Michie Lane;
vi. Center Street (SR 113);
vii. Tate Lane;
viii. Stringtown Road; or
ix. 200 North, west of 200 West.
No accesses to individual dwelling units within a PUD shall be allowed directly from the above streets. Access must be made from streets within the development.

Section 16.16.9 Standards and Requirements specific to Standard Subdivisions

b. Setbacks adjacent to existing and proposed minor collector and collector streets or streets to be dedicated to the City shall be a minimum of 30 feet within a standard subdivision
c. This setback area shall be landscaped in such a way as to reduce the visual impact of the buildings of the development from the public roads and yet not hide the view of the mountains and hillsides from the same public roads.
d. Notwithstanding the setback requirement noted earlier in this Section, no accesses directly to individual dwelling units within a standard subdivision shall be allowed directly from the following streets; rather, access must be made from streets within the development, unless this is a practical impossibility.
i. Burgi Lane;
ii. River Road;
iii. Pine Canyon Road;
iv. Homestead Drive;
v. Michie Lane; vi. Center Street (SR 113);
vii. Tate Lane;
viii. Stringtown Road; or
ix. 200 North, west of 200 West.

Section 16.17.7 Standards and Requirements (small-scale subdivisions)

F. Dwellings and permitted structures shall be located so as to best comply with the intent of this Ordinance and shall meet the following standards:
1. The following streets shall require a minimum 50-foot setback for all structures and parking (this setback area shall be landscaped in such a way as to reduce the visual impact of the buildings of the development from the public roads and yet not hide the view of the mountains and hillsides from the same public roads):
a. Burgi Lane;
b. River Road;
c. Pine Canyon Road;
d. Homestead Drive;
e. Michie Lane;
f. Center Street (SR 113);
g. Tate Lane;
h. Stringtown Road; or
i. 200 North, west of 200 West.

There are a number of issues that can be addressed from the aforementioned code but the most pressing is the setback requirement of 30' for standard large-scale subdivisions (defined as subdivisions that are building new roads).

Staff would like to propose amending the ordinance so that setbacks will be extended along specific roads in Midway. 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:

- Extend setbacks for large-scale subdivisions from 30' to 100' along specified streets
    - 15% open space is required for almost all large-scale subdivisions, by extending the setbacks, the open space will most likely be placed along the frontage
    - The following are the streets where the setbacks would apply:
        - Burgi Lane;
        - Cari Lane;
        - River Road;
        - Homestead Drive;
        - Michie Lane;
        - Center Street (SR 113);
        - Center Street north of Main Street
        - 200 North, west of 200 West.

- Extend setbacks for PUDs from 100' to 125' along specified streets
    - 50% open space is required for all PUDs, by extending the setbacks, the open space will most likely be placed along the frontage
    - The following are the streets where the setbacks would apply:
        - Burgi Lane;
        - Cari Lane;
        - River Road;
        - Homestead Drive;
        - Michie Lane;
        - Center Street (SR 113);
        - Center Street north of Main Street
        - 200 North, west of 200 West.

- Reduce setbacks for small-scale subdivisions from 50' to 40'
    - In some case 50' may too much of a burden for small-scale subdivisions that are usually subdivided on small parcels
    - The following are the streets where the setbacks would apply:
        - Burgi Lane;
        - Cari Lane;
        - River Road;

- Homestead Drive;
- Michie Lane;
- Center Street (SR 113);
- Center Street north of Main Street
- 200 North, west of 200 West.

Staff is also proposing to extend the peripheral setbacks for PUDs. Currently, Section 16.16.8 (5)(a) states the following:

> a. Setbacks along the peripheral property lines of the PUD shall be a minimum of 30 feet. For safety reasons, buildings may be required to be set back further from recreational areas.

There are a few reasons why staff feels this change is warranted. First, one of the main reasons for allowing PUDs is to cluster the units to create a more open feel to the area. There are examples of PUDs in Midway that it appears the units cover the entire property and defeat the purpose of the clustering. Second, because PUDs are clustered, they can create a "wall effect" with a line of dwellings setback 30' from the periphery of the PUD that back up to existing dwellings on neighboring lots. The community should benefit from allowing the developer to have higher density by having greater setbacks to buffer the neighboring PUD. We have three examples of the "wall effect" in the Scotch Fields PUD, Valais PUD, and the proposed Midway Springs PUD. A greater setback would have been more acceptable to the neighboring land owners.

Staff is proposing to extend the 30' setback to 100' for all PUDs to promote more clustering of the units and to create a greater open space area from one development to another which will also help to preserve more view corridors of the surrounding mountains.

POSSIBLE FINDINGS:

- Preserving view corridors and open space is an important goal for the community
- Reducing potential density will also reduce potential traffic
- Extending setbacks will preserve the rural atmosphere of Midway
- Protecting entry corridors and collector roads from crowding will benefit the entire community

ALTERNATIVE ACTIONS:

1. Recommendation of 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
    c. Place condition(s)

2. 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

3. 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