Midway City Planning Commission Regular Meeting
November 15, 2017

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., November 15, 2017, at the Midway City Community Center 160 West Main Street, Midway, Utah

Attendance:
Jim Kohler – Chairman
Nancy O'Toole
Natalie Streeter
Jeff Nicholas
Kevin Payne

Staff:
Michael Henke – City Planner
Lindy Rodabough – Admin Assistant

Excused
Bill Ream
Stu Waldrip – Vice-Chairman
Wes Johnson – City Engineer

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
  - ❖ Invocation was given by Lloyd McIntosh
  - ❖ Chairman Kohler led the Pledge of Allegiance

Item: 1

Review and possibly approve the Planning Commission Meeting Minutes of October 18, 2017.

Motion: Commissioner Streeter: I move that we approve the Planning Commission

meeting minutes of October 18, 2017 with no corrections.
Seconded: Commissioner O'Toole
Chairman Kohler: Any questions or discussion on the motion?
There was none
Chairman Kohler: All in favor.
Ayes: Commissioners Streeter, Nicholas, O'Toole, and Payne
Nays: None
Motion: Passed

Item: 2

Berg Engineering, agent for Watts Enterprises, is requesting Master Plan approval of Midway Springs Subdivision. The proposal is a large-scale subdivision that is 50.76 acres in size and will contain 97 lots/units and will be developed in three phases. The property is located at 200 East 600 North and is in the R-1-15 zone.

Planner Henke read section 16.14.9.C
Paul Berg: Michael is right, we do have a disagreement and we ask that we be continued tonight. We want to proceed with the appeal process with the City Council. The reason that we are appealing it is we think that the best development would be to have a combination of 20 lots subdivision and the 77 PUD units. If we went along with the staff recommendation with converting it all to a PUD we'd still be at 97 units anyway. So, you may ask why go through the headache, it's still 97 units either way. Why disagree with staff? We think that it weakens the development that we've proposed. We'd like to keep the 20 subdivision lots we've proposed we'd like to keep it mixed use and that is why we are willing to go through this appeals process. If it turns out the City Council doesn't agree with us or even a judge, then we could always change it to a PUD. At this point we think that it is a better development and that is why we are going to go through the appeals process. Once our appeal process is completed will you put us back on your agenda, then we'll come back with the development.
Commissioner Payne: Just to understand the magnitude that we are talking about, assuming for the sake of argument that based upon Michael's interpretation of the code that you retain the 20 lots and then reduce the PUD. How many units are we talking about?
Paul Berg: About 10, if the PUD stays as it is now. However, if we got rid of the subdivision lots and made it all an PUD we could still get 97.
Commissioner Payne: Right. I just wanted to understand the magnitude that we are talking about. So, it's about 10 units.
Authorized representative; Paul Berg: Again, if the appeal goes through you're still going to be dealing with 97 either way. We want to go through the appeal process, we feel fairly confident. We want to keep the subdivision and the PUD. If it's a matter that the City Council doesn't see it our way we can always convert the whole thing to a PUD instead, but we don't think that is a good of a development as a mixed use.
Applicant; Russ Watts: We've been working with local families here in the farming community for the last 25 years. Families such as the Wilsons, the Kohlers, the

Remunds and the Probst. We don't just build houses we build communities we build a place where people want to live and associate and grow their families. My concern really is you have farmers who have farmed their property for 125 years and who have flood irrigated and have run water down their pastures almost every farmer that owns ground is going to have some wetlands just because he has developed them himself by irrigating. I'm really concerned that if a farmer who has been doing this for 125 years ends up being penalized saying we won't let you use your irrigated ground or wetlands as a means of developing and putting homes in other places. Obviously, we are very sensitive to the wetlands, but if we take that away from the farmers who've been farming it for that many years. This seems a little strange to me that we'd penalize them, and they've been here for a long time. For me I just want to point that out as a political body, look at that perspective as you talk about this density/policy change that has been proposed by staff. What's interesting is that you don't get any land owners coming in talking to you like the Wilsons, the Probsts and the Remunds don't affect their legacy and their property.
Commissioner Nicholas: Are you referring to this specific issue or the code text amendment where we're talking about sensitive lands?
Applicant; Russ Watts: Really the code text amendment is suppling this issue to our project. So right now, the code text isn't changed, but this is being assigned to our project as a concept.
Commissioner O'Toole: Are you saying that the wetlands on the Remund property are caused from irrigation, is that what you are implying?
Russ Watts: I am. Some of them, some of them we know aren't. Like in every project we build, Valais, Dutch Fields we work around them, and they become apart of our open space and they are beautiful to have. It just seems a little odd that we are going to penalize the land owner for having irrigated, in some cases they are real wetlands.
Commissioner Streeter: I would strongly recommend that we do not conflate irrigated ground and wetlands, they are two very different things.
Chairman Kohler: This was not scheduled to be public hearing. We've heard plenty of comments from the public on the public hearings and the issue before us sounds like it's a continuance. However, if there are some folks who would like to make a public comment, there seems to be a lot of interest in doing so I will allocate five minutes, but knowing we've had a lot of words said over the past two or three meetings on this very issue. Please address something new if you can and we'll go ahead and open it up for five minutes for public comment.

Robyn Stone: Regarding how the farmers would feel about wetlands or sensitive lands. I had the opportunity to work with some who are giants in the community like Kay and Gene Probst and others that worked together so carefully to write this code text. We've went through all different arrangements. Ridge lines as well as wetlands and other things that are listed in the sensitive lands. There is something in a perspective when you look at this, because sensitive lands that almost brings an emotional effect. When you would talk to these gentleman as we addressed the idea on how to protect them in the code it used protection a lot, to protect them and to keep them away from development. Part of that might be a safety issue, but when you actually see how they regard the sensitive lands the times that they have walked through with their sheep they

have taken up to the mountains it has become an essential part of the experience of living here. It's not a per square foot or a dollar sign, but it is of a feeling that is here. And with sensitive lands and the protection even though this is something you've read in the actual code text that was written was more detail about the protection for the wetlands or the farmers they speak about the animals and the elk and the pathway they use to have across Burgi Hill. The geese need the grass for winter forage when they come in and the thrill we have to see the "V" fly up over head in their early flights as they are beginning to fly. This is part of the sensitive lands. If we don't protect those arenas we won't have it. I applaud you for considering the values for everyone here in the valley, not just the square footage, but the arena that allows the sensitive lands to bless our lives in this day as well, and then when we hear the memories of these grandparents and such we can identify and feel that same thrill.

Allison Hart: I live on the border of the proposed property, which would be next to phase 3. We have a hot spring in our backyard that runs all year round. I went out there this morning and it is warm and clear, and I know that the house across the way also has a hot spring. If you go by there in the winter, you know that there are warm springs there. My question is, is there information or research about an underground aquifer and is this development protecting what could possibly be that lake underneath Mountain Spa continuing on through the underground reservoir and into the river? I am just wondering about the research done deeper than the 24 inches that is required for the wetlands study.

Chairman Kohler: There have been studies on the hydrology. I did my master's thesis and it addressed part of it, so I am familiar with that work that was done. There was also a report that was done recently by Dr. Mayo from Brigham Young University who studied the Midway hydrology system which is a unique system and I'm sure this information all has to be considered as we address the wetlands issue. However, the issue in front of us as a Planning Commission is making sure that the proposal before us is consistent with the code and with the requirements that have been codified in the laws and ordinances of the City. I think what we have in front of us right now is very clear that there's a difference of opinion as how the ordinance should be applied that is under appeal and, so I believe I see this issue being continued until we can address those issues, but thank you for your comment.

Sheila Probst Siggard: When Mr. Watts said that there are no Probst here, excuse me. I am a Probst and I am here. I do not like density. I have sensitive lands and regular irrigated land and they very different. Quoting the Probst, Kay Probst says, "you can divert some hot springs water one day and the next day it will be somewhere else". They are very hard to control, and they need to be protected. I invited a neighbor to come tonight, but he is out of the country right now. He did send me a text with his comment which was "I hope Watts strikes out". This is making the neighbors really upset to change Midway drastically, we don't want high density. We want to protect our mountain home.

Athina Koumarela: I agree with all of my neighbors from ahead of time. I'd like to make a couple of points myself. Integrating this size of a development in an already established part of town, in a part that is historically and in a part of town that I call "Old Town" this is a very part of town that attracts tourist and small businesses and what makes Midway unique. The development is probably more complex than any other developments that have been produced by Mr. Watts and in Midway, I think we all agree on that. There is a lot of things going on, not only because of its overwhelming size and impact that'll make the traffic etc. etc., but also to the proximity of other neighbors, well established neighbors. Adding to the complex nature of this development is a sensitive lands issue. The impact that the development must take into consideration is the impact of what it will take to keep the wetlands there. As many neighbors both to the east and to the south can attest the wetlands are a fact of life. Many neighbors have to pump their crawl space and be selective of their land scaping that they can plant. The other side of the wetlands for us neighbors is that we can hear the sandhill cranes come back every spring and see them again in the fall when they come back and nest in the wetlands. The last few years we've been able to hear the sounds of hundreds of Canadian Geese long before we could see them. Then we could look up and see their formation in the sky, it happens in the morning and evenings that's all because of the wetlands and the sensitive area that attributes to the beauty of what is going on in that little center of town. With this unique land is a unique responsibility and that is the responsibility that Watts will have to be the steward of that land unless we choose to have the City take care of it. I was disappointed when I realized in August that Watts had begun to spray the wetlands. I researched the type of herbicide the T-zone that was used the warnings listed on the label include not to be used in areas with high ground water, number one or around animals, number two it is also recommended that broad spray not ever happen. If they have to spray for noxious weeds it should have just been the tops of the weeds. These were all things that were done to the wetlands. I'm assuming that it was a mistake and it was made without researching what is tolerable in wetlands situations. I am an organic grower and I have sheep and horses on my land. The spray that was done there was air born and could have been on my land which I was not warned that it was going to happen, so I could remove my animals. I am okay with the development, but not the size of it. I accept development in this valley, I've been her for 42 years and I live on 266 N Center Street. I honor property rights and their rights to their land and I hope that this development will be a good neighbor and honor my rights as growing food organically. I've also contacted BYU's department of plant and wildlife biology department for guidance as to how to take care of the wetlands with nontoxic methods for caring noxious weeds. They have indicated that spraying herbicides in certain areas invites more noxious weeds and that the wetlands have a unique symbiotic relationship with the plant life there. You have to be careful, and if this is going to go in I want Mr. Watts development to have the counseling that he'll need to take care of these open lands and preserve them for all of us.

Chairman Kohler closed the public hearing

Motion: Commissioner Streeter: I move that we continue the Midway Springs Subdivision Master Plan approval. The proposed subdivision is 50.76 acres in size and

had a proposed 97 lots and units the property is located at 200 E 600 N and is in the R-1-15 zone. I move we accept the findings of staff, accept their report and note as our reason for continuance that there is an unresolved issue that needs to be addressed regarding the wetland area density credit that is section 16.14.9 subsection C. However, because this subsection is being appealed I will not suggest a date where this will be heard again.
Chairman Kohler: Planner Henke, do you have any idea when the appeal will be resolved?
Planner Henke: Right now I don't.
Chairman Kohler: Okay so I think it's appropriate to leave it open and be put back on the agenda when there is resolution on the appeal.
Planner Henke: It could be on the next City Council meeting, which will be December 13th, you'll just have to check the notice for that meeting. Right now, that's the plan that it will be December 13th for the appeal.
Chairman Kohler: Would that suffice as a start date just depending on the resolution appeal in your motion?
Commissioner Streeter: I'll amend that.
Chairman Kohler: Do I hear a second?
Seconded: Commissioner O'Toole
Chairman Kohler: Is there any discussion on the motion?
There was none
Chairman Kohler: All in favor.
Ayes: Commissioners Streeter, Nicholas, O'Toole, and Payne
Nays: None
Motion: Continued

Item: 3

Berg Engineering, agent for Watts Enterprises, is requesting Preliminary Approval for phase I of the Midway Springs which is a large-scale standard subdivision and Planned Unit Development. The proposal is for 20 lots and 11 building pads located on 11.2 acres. The proposal is located at 200 East 600 North and is in the R-1-15 zone.

Chairman Kohler: Staff, do you have anything to add?
Planner Henke: No, this is really related to the same code that we've talked about. I would state that my presentation be exactly the same as what we've talked about.
Chairman Kohler: Commission, is there any motion?

Motion: Commissioner O'Toole: I move that we continue the Midway Springs item 3 which is requesting preliminary approval for phase 1 of Midway Springs which is a large scale standard subdivision and Planned Unit Development. The proposal is for 20 lots 11 building pads located on 11.2 acres. We'll leave the date open for the continuance. We accept the staff report and findings.
Seconded: Commissioner Nicholas
Chairman Kohler: Any discussion on the motion?

Commissioner Streeter: Do we need to put in why we are continuing it?
Chairman Kohler: Perhaps the motion should include that we're delaying for the reasons as the prior item awaiting the resolution of the appeal on the sensitive lands and density.
Motion: Commissioner O'Toole: I'll amend my motion to include that.
Seconded: Commissioner Nicholas: Agreed
Chairman Kohler: All in favor.
Ayes: Commissioners Streeter, Nicholas, O'Toole, and Payne
Nays: None
Motion: Continued

Item: 4

Steve Condie, agent for Crystal Springs Land and Cattle Co. Inc., is proposing a Master Plan Amendment of Sunburst Ranch PUD Phase 3 which was originally approved in 1997. Phase 3 currently consists of 36 building pads. The applicant is proposing to reduce the number of building pads to 33 and is amending the location of the pads within the phase. The property is 16.53 acres in size and located at Ranch Way and Swiss Alpine Road in the R-1-22 and RA-1-43 zones.

- Background
- Land use summary
- Analysis
- Water Board Recommendation
- Possible Findings
- Alternative Actions
- Possible Conditions
- Aerial view
- Site plan

Commissioner O'Toole: Has Wes had a chance to look at this to see if a Geotech study would be good for that soil?
Planner Henke: Wes is in favor of this plan. I have not talked to him specifically about a Geotech report.
Commissioner O'Toole: By not doing the tennis and basketball court that will help with the water retention. Is that pond going to be large enough, and who is going to maintain the pond? The pond will need to be cleaned out quit often.
Planner Henke: That's a good question. We've had that discussion also. The run off comes from Swiss Mountain Estates and this is a subdivision that is not in the City, it is in the County. There really is not a way for the City to bind Swiss Mountain Estates with an agreement, although there is a possibility to have a civil agreement between the developer and Swiss Mountain Estates. That is something that needs to be explored for what the maintenance will be for this pond. It greatly impacts our City streets, so we need to make sure that's addressed.

Commissioner Streeter: This plan is showing a trail near the pond that they build will constantly be filling with debris. So, I'm wondering how do we expect a trail and a pond to coexist?
Planner Henke: If they are successful in going through the Master Plan, we look at it as a very bird's eye view level. They will come back with preliminary and final which is when we'll get into all of the details and see how things will work.
Commissioner Streeter: When we look at this property right now, what is it being used for? Is it horse or cow pasture and is it irrigated?
Applicant; Bob Condie: It is a horse pasture and it currently gets sprinkled and it will remain being sprinkled.
Commissioner O'Toole: What kind of slope is it on lots six through nine?
Planner Henke: It's not 25% and also the driveways need to be under 10% slope.
Civil Engineer; Kent Wilkerson: We've taken the worst section and we show a driveway at 6% going up to a building pad that has an eight-foot retaining wall on the back. The very worst spot which is a small section is a 15-foot retaining wall and then it quickly peters out in both directions. On the Condies' original plan could have had as much as 30-foot retaining walls on this to make it work. The impact of this new design is substantially less.
Chairman Kohler: When the Master Plan was revisited in 2010 there was quit a rework of the drainage system in phase 1 that was mentioned that's the basis for the now this change that rework was supposedly to accommodate for the plan that was approved in 2010. How is that going to affect the run off and drainage with these changes?
Civil Engineer; Kent Wilkerson: The very simple short answer, this has a lot less hard space so that rework should be more conservative in other words it should have more capacity there in the drainage system than what this revised plan will require.
Chairman Kohler: That western most cul-de sac that will be draining out to Swiss Alpine Road and so that's new isn't it?
Civil Engineer; Kent Wilkerson: Actually, the original one had a larger section of this draining out to Swiss Alpine Road in this new design it is a much shorter section that drains to Swiss Alpine, and it will still be captured and dealt with appropriately.

Motion: Commissioner Streeter: I move that we approve the Master Plan Amendment of Sunburst Ranch PUD Phase 3. The amendment is reducing the number of building pads from 36 to 33 and is amending the location of those pads within the phase the property in phase 3 is 16.53 acres in size located at Ranch Way and Swiss Alpine Road in the RA-1-43 and R-1-22 zones. I move that we accept the findings of staff and it appears at this point that no conditions are necessary as we will see this again with appropriate detail.
Commissioner Payne: Do we want to add just adding the condition of the additional reimbursement that is not apart of the current agreement, because the number of units are being reduced?
Chairman Kohler: Would that be an appropriate condition or just a recognition that, that condition exists?
Planner Henke: I think that recognition is enough. Again, we'll look at preliminary and final with this, so we'll be able to tie down those details.

Chairman Kohler: The motion should read among the findings we recognize there is a preexisting condition for reimbursement of the home owner's association as contained within that resolution 2010-07.
Seconded: Commissioner O'Toole
Chairman Kohler: Any discussion on the motion?
Commissioner Streeter: I would just correct the error under the land use summary.
Chairman Kohler: The land use summary also needs to reflect the error that was there, the sensitive lands issue that was on there in the staff report.
Chairman Kohler: Any further discussion on the motion? There was none.
Vice Chairman J. Kohler: All in favor.
Ayes: Commissioners Streeter, Nicholas, O'Toole and Payne
Nays: None
Motion: Passed

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.

Motion: Commissioner Streeter: I move that we continue items 5, 6 and 7 all of which are code text amendments to the land use code. Item 5 is setbacks, item 6 is densities and item 7 is open space. I would move that we continue these until we have finished at least 1 more work meeting regarding these items.
Commissioners set the next work meeting date: Nov 29th @ 3pm
Seconded: Commissioner O'Toole
Chairman Kohler: Any discussion on the motion?
There was none
Vice Chairman J. Kohler: All in favor.
Ayes: Commissioners Streeter, Nicholas, O'Toole, and Payne
Nays: None
Motion: Continued

Item: 6

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Section 16.16.8 that would amend densities in Planned Unit Developments. This item is based on amendments made to the General Plan that were adopted earlier this year.

Motion: Commissioner Streeter: I move that we continue items 5, 6 and 7 all of which

are code text amendments to the land use code. Item 5 is setbacks, item 6 is densities and item 7 is open space. I would move that we continue these until we have finished at least 1 more work meeting regarding these items.
Commissioners set the next work meeting date: Nov 29th @ 3pm
Seconded: Commissioner O'Toole
Chairman Kohler: Any discussion on the motion?
There was none
Vice Chairman J. Kohler: All in favor.
Ayes: Commissioners Streeter, Nicholas, O'Toole, and Payne
Nays: None
Motion: Continued

Item: 7

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Sections 16.16.11 and 16.16.12 that would amend open space requirements for large-scale standard subdivisions and Planned Unit Developments. This item is based on amendments made to the General Plan that were adopted earlier this year.

Motion: Commissioner Streeter: I move that we continue items 5, 6 and 7 all of which are code text amendments to the land use code. Item 5 is setbacks, item 6 is densities and item 7 is open space. I would move that we continue these until we have finished at least 1 more work meeting regarding these items.
Commissioners set the next work meeting date: Nov 29th @ 3pm
Seconded: Commissioner O'Toole
Chairman Kohler: Any discussion on the motion?
There was none
Vice Chairman J. Kohler: All in favor.
Ayes: Commissioners Streeter, Nicholas, O'Toole, and Payne
Nays: None
Motion: Continued

Item: 8

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Title 16 regarding Residential Facilities for Elderly Persons, Rest Homes, Nursing, and Convalescent Facilities. The City would like to review the current code and potentially amend the regulations for these facilities.

Planner Henke gave a presentation regarding the proposed subdivision and reviewed the following items:

- Background

- Analysis
- Possible Findings
- Alternative Actions

Note: A copy of Planner Henke's presentation is contained in the supplemental file.

Commissioner Payne: What is the allowed density for these different uses or in other words number of beds? Is there any restriction in terms of 12 units on a 10,000-square foot lot versus an acre?
Planner Henke: This would be 12 per facility in a residential zone. That is a route we could take on a sliding scale based on the size of the property. I guess what the worry would be is if somebody had a large five-acre property what would that scale be? Again, it would still be in a residential zone, so we'd want to keep it within what is acceptable within that zone.
Commissioner Nicholas: How did you come up with the number 12 and 20, where did those numbers come from?
Planner Henke: According to the building code once you go above 16 people in a facility it changes building code requirements. Sixteen is where a lot of cities are on the number of residence within these facilities. Looking at our zoning which is generally relatively less than a lot of cities, I lowered the number down to 12. As for 20 it's really based off mixed use projects there is 20 units allowed per acre, and that is 20 total per facility.
Commissioner Streeter: Residential facilities for elderly persons, is that something where you could essentially have an age restricted community? At what point are you considered elderly and if you are just providing residential facilities I'm assuming that means there's really no medical support there's really nothing to distinguish those people from anyone else other than just simply age, is that correct?
Planner Henke: A developer, through their CCRs, can right now create an age restricted community, that can happen without the City's approval. These facilities indicate that there is some level of care from professionals, differing degrees of care as you look at different categories and so the professional help is the distinction.
Commissioner Nicholas: Where does assisted living fall? Meaning they have some staff on the premises if they are needed, but generally the folks can take care of themselves there are meals provided in a cafeteria.
Planner Henke: That falls under rest homes nursing homes that is a part of that category.
Commissioner Streeter: I think that it would be helpful to expand what the different terms cover.
Chairman Kohler: I would suggest that we might want the code to read assisted living rest homes and drop the residential facilities for elderly persons. That seems overly broad.
Commissioner Payne: Generally assisted living can also include for non-elderly. So, is that the intent of the code is that we're including non-senior non-elderly assisted living facilities as well within this definition?
Planner Henke: It will be delineated to be different. It goes back to the Federal Fair

Housing Act, we can't discriminate the type of housing, if we allow one type of housing in that area we have to allow all types as long as it's in the norms for that zone. So that will be covered under the residential treatment facility.

Chairman Kohler opened public comment

Robyn Johnson: There is an industry standard for the different rivals, they have different names now from when the code was written. Assisted living has a lower level of care than a nursing home.

Holly Bodily: Tax wise this should bring tax revenue to the City, typically in these situation, depending on the size. If you are between in 12-16 in a home, maybe 16 is good to have as an option because that does help with taxes for the City a little bit. I do have a nursing background and I've done work in the nursing homes. They are very costly to run so the ability to have more residents in there I think would be helpful to make it more viable for somebody to actually do that. Try to keep it with that option and then whoever comes in to do a rest home or nursing home, at least they'd have that option and they aren't as restricted. Keeping it all ages I wouldn't restrict it to elderly.

Nathan Lord: I think this is really great that the staff is proposing this, I think it shows a lot of foresight and thinking ahead. I am really happy that this is on the agenda. Is the metric residence per facility, how do we define "facility"?

Planner Henke: Our code doesn't define them anymore than the definition that I read. If we want to define that to just one building, then we need to make that distinction. I haven't seen any where there are multiple buildings. I've only seen them in one building, that seems to be the standard.

Nathan Lord: Where I'm going with that is if I'm a developer and I have a five-acre piece and I want to put these on it I go okay I can't building so I'll build five buildings and then I'll get 20x5. Is that the idea?

Planner Henke: As long as they met the zoning district for acres per facility then they could potentially do that type of thing.

Nathan Lord: I support the substance of what you are proposing here, it should match the scale of the surrounding area. How are we defining the "facility"?

Planner Henke: Each one would have to be on its own lot in that zone to meet the zoning standards. Each one would have to have the correct acreage and only have the allotted amount of residence per facility.

Commissioner Streeter: If you are going to build a facility, the most logical place would be where there is a little more room which sort of pushes you out towards the periphery. Do we as a City have an obligation under federal law that we have to provide a certain

type of access based on the size of some of our peripheral streets.

Planner Henke: I don't think it's likely that we would have to upgrade the road to that facility. They would have to upgrade their roads on their frontage. I could do some research on that and see.

Planner Henke: We've looked closely over the past years at residential treatment facility which are closely related to this and those cannot be restricted within a residential zone even if it does feel like it's commercial in nature. It is residential in nature, so they can't be restricted.

Celeste Johnson: I just wanted to say that if we are working on code language, would we want to include parking requirements as well? They will have visitors, so you'll want to include parking.

Planner Henke: There'll also be employees, so we'll need to account for that.

Chairman Kohler closed the public comment period

Motion: Commissioner Nicholas: I make a motion that we continue this item and allow staff to do more research on some of the issues that have been brought up here. The motion would be to continue this until our next Planning Commission meeting.
Seconded: Commissioner O'Toole
Chairman Kohler: Any discussion on the motion?
There was none
Chairman Kohler: All in favor.
Ayes: Commissioners Streeter, Nicholas, O'Toole, and Payne
Nays: None
Motion: Continued

*Commissioners discussed having staff and Chairman Kohler go and discuss with Mayor Bonner to the options of potentially extending the moratorium until we could get the business taken care of.

ITEM: 9

Adjournment
Motion: Commissioner O'Toole: I move that we adjourn.
Time: 8:44pm

Chairman- Jim Kohler

Admin. Assistant - Lindy Rodabough