

**Midway City Planning Commission Regular Meeting
August 19, 2015**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., August 19, 2015, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:

Mickey Oksner – Chairman
Steve Nichols – Co-Chair
Stu Waldrip
John Rather
Jim Kohler
Nancy O’Toole
Bill Ream

Staff:

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

Excused

Natalie Streeter
Chip Maxfield

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.
 - ❖ Invocation was given by Paul Berg.
 - ❖ Chairman Oksner led the Pledge of Allegiance.

Regular Business

1. Review and possibly approve the Planning Commission Minutes of June 17, 2015.

Chairman Oksner asked if there were any discussion on the motion

There was none

Motion: Commissioner Waldrip; I move Mr. Chairman that the minutes be approved as presented.

Seconded: Commissioner Nichols

Ayes: Commissioners Rather, Kohler, Ream, and O’Toole

Nays: None

Motion: Passed

ITEM: 2

Paul Berg, agent for Cosper Investment Company LLC, is requesting Preliminary/Final approval for a one (1) lot small scale subdivision. The property is located at 519 Cari Lane. The property is located in the R-1-15 zone.

BACKGROUND:

This request is for preliminary/final approval of a small-scale subdivision on 1.57 acres. The one lot proposed in the subdivision will obtain frontage along Cari Lane. The property is located in an R-1-15 zoning district and the lot does comply with the minimum requirements of frontage, width and acreage for a lot in this zone. The new lot will be created from two parcels. The first is OMI-0559-1-027-034 which is the larger parcel that fronts on Cari Lane. The second is a much smaller parcel (OMI-0247-0-027-034) that is currently landlocked. The two will be combined to create the new building lot as proposed.

According to a chain of deeds for the property that was supplied to staff, the parcel in its current boundary description, was created when it was subdivided from the adjoining parcel with the tax identification number of OMI-0559-0-027-034 which currently has a dwelling located on it. It did not receive any approvals from the City or County at that point in time so it is not eligible for a building permit unless it is approved by the City and a plat is recorded.

There are two easements that cross the property. The first is a Midway Sanitation District easement that crosses the southern boundary of the property. The second is a driveway access to the property that lies to the south. The driveway that runs to the property to the south is not located in the area of the recorded easement. The proposed plat will move the driveway access to the west boundary line of the property and the driveway will be located in the new easement.

LAND USE SUMMARY:

- 1.57 acre site
- R-1-15 zoning
- Proposal contains 1 lot
- Frontage along Cari Lane
- The lot will connect to the Midway Sanitation District sewer and the City's water line

ANALYSIS:

Driveway access – The plat will have a note requiring a driveway turnaround so that no vehicular traffic will back into Cari Lane. Cari Lane is a collector road and the traffic count will continue to increase on that road as the City continues to grow. It is planned that Cari Lane will be widened to a three lane road in the future. This additional lane will make accessing the lot easier and safer from the middle turn lane when it is added at some future date.

Setbacks – A 50' setback is required from Cari Lane because of its collector status. This setback line will need to be added to the plat.

Water Connection – The lot will connect to the City's water line located under Interlaken Drive.

Sewer Connection – The lot will connect to Midway Sanitations District's line located under Interlaken Drive.

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the R-1-15 zoning district
- The proposal does meet the intent of the General Plan for the R-1-15 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 note will be added to the plat requiring a turnaround on the lot.
2. A 50' front setback line will be added to the plat.

City Engineer, Wes Johnson: I'd like to encourage the applicant to keep the existing driveway where it is so it is lined up with the driveway adjacent to it and then swing the drive way to the west. This way the driveways will be lined up and nothing will be off set, this would be better for cross traffic.

Agent, Paul Berg: The two (2) buildings on the east line are the neighbors and they will be knocking them down. We will consider the City Engineer's recommendation.

Chairman Oksner asked if there were any further discussion

There was none

Motion: Commissioner Waldrip; Mr. Chairman, I move that we accept the report by the staff and that Planning Commission approve the application by Cospir Investment Company for preliminary and final approval of this one (1) lot small scale subdivision at 519 Cari Lane as proposed in the R-1-15 zone with findings that the proposed subdivision meets the criteria for the R-1-15 zone and the general plan of the City. A note will be added to the plat requiring a turn a round of vehicles approved design on the lot and 50 foot front setback.

Seconded: Commissioner O'Toole

Chairman Oksner: Any discussion

Ayes: Commissioners Waldrip, Rather, Nichols, Kohler, Ream and O'Toole

Nays: None

Motion: Passed

ITEM: 3

Kristine Mecham is requesting annexation of 10.43 acres of property called the Mecham Annexation. The petitioner is asking that the property be zoned RA-1-43. The property is located approximately at 1100 South Stringtown Road. This item is a public hearing.

BACKGROUND:

Kristine Mecham, Garry Mecham, Kevin Payne, and Frank Vincent have petitioned the City to annex 10.43 acres that will be zoned RA-1-43 if approved by the City Council. Currently the property is located in the County and is zoned RA-1. The area does fall within Midway's annexation declaration area so the property is allowed to be annexed but the City is under no obligation to annex the property. The Municipal Code does require that numerous issues are analyzed and evaluated before the City considers approving an annexation. Those items will be discussed in the analysis section of this report. Currently the City boundary runs along the three sides of the proposed annexation.

The annexation contains six separate parcels, four of which are owned by the petitioners. The petitioners own 78% of the land included and 63% of the taxable value. The other two are owned by individuals not associated with the development and neither of those two have signed the annexation petition. The parcels are as follows:

<u>Property Owner</u>	<u>Tax ID#</u>	<u>Signed Petition</u>	<u>Acres</u>	<u>Market Value</u>
William Mecham TR	OWC-1199-5	Yes	1.91	\$ 59,687
	OWC-1199-2	Yes	5.32	\$ 235,915
Kevin Payne	OWC-1199-0	Yes	0.94	\$ 268,509
Nickie & Karen Epling	OWC-1198-0	No	0.63	\$ 251,250
Donna L Smith TR	OWC-1197-0	No	0.98	\$ 233,987
Frank & Joyce Mecham	OWC-1200-0	Yes	0.69	\$ 247,202

The petition does comply with State Code that requires the owners of a majority of the land sign the petition and that the signers also own at least 1/3 of the taxable value of land in the annexation area. State Code also requires a survey of the area which has been completed. There are other requirements listed in State Code and all seem to be met.

Annexations fall under the category of a legislative action. Therefore, the City Council has broad discretion regarding the petition. It can be approved or denied based on the discretion of the Council members. There is no obligation by the City to annex the property. If the Council feels

that the area will contribute to the community and will help promote the goals and policies of the General Plan then the annexation should be considered. The City Council may consider any issue, included in the staff report or not, as a discussion item. Also the City may require items from the petitioners that normally would not be allowed if a developer's property were already located and zoned in the City. In the past petitioners of annexations have donated to the parks fund as part of their annexations. Since the action is legislative it is not bound to the same rules that an administrative process is bound to.

This item has been noticed in the local newspaper for two weeks and on the State's website for the Planning Commission meeting. Public notices have also been posted in three public locations in Midway advertising the meeting and agenda.

ANALYSIS:

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 9.05.020 requires specifically the Staff address the following issues:

- A. The ability to meet the general annexation requirements set forth in this Title; *Planning staff believes that the proposal does comply with the general requirements of this Title.*
- B. An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features, e.g. drainage, channels, streams, wooded areas, areas of high water table, very steep slopes, sensitive ridgeline areas, wildfire/wild land interface areas, and other environmentally sensitive lands: *The proposed annexation plat map has been submitted and is attached to this report. Also a proposed development plan has been submitted and does not include any sensitive lands.*
- C. Identification of current and potential population of the area and the current residential densities: *Currently there are four homes in the annexation area. The development potential of the area is approximately three lots and that is what is being proposed as development on the parcel if the City approves the annexation.*
- D. Land uses presently existing and those proposed: *Currently the land in the area is being used for residential and agricultural purposes.*
- E. Character and development of adjacent properties and neighborhoods: *The properties surrounding the proposed annexation are mostly agricultural in nature with residences dispersed in the area.*
- F. Present zoning and proposed zoning: *The current County zoning is RA-1 which is a one-acre zone. The planned zoning that midway has established is RA-1-43 which is also a one-acre zone.*

- G. A statement as to how the proposed area, and/or its potential land use will contribute to the achievement of the goals and policies of the Midway City General Plan and the Midway City Vision: *The developer does plan to the property into lots that are one acre in size or larger which does comply with the vision of the general plan in this area.*
- H. Assessed valuation of properties within the annexation area: *Please see the chart presented earlier in this report.*
- I. Potential demands for various municipal services and the need for land use regulation in the area, e.g. consideration of the distance from the existing utility lines, special requirements for sensitive land review and fire protection in wildfire or wild land areas, location within hazardous soils area, and feasibility of snow removal from public streets: *If the property is annexed the City will be required to provide services to the area. Office staff in the various City departments will spend time working on the development and with the residents in the annexed area. This includes land use applications, building permits, and utility payments. Also the City will remove snow from any public streets and will maintain the roads and water lines in the area. All of these services cost the City money and though property taxes from the new residents will help offset that cost the City will need to have some commercial development and the sales taxes collected from the sales generated to help offset those new costs. That is assuming that the new growth will help increase sales in Midway by increasing activity in the current Midway stores or will help new businesses establish in Midway. It is unknown what the impact of the new homes will have but we do know the City's cost will increase because of the new growth. The City does have water lines in the immediate area of the annexation and other utilities are located nearby.*
- J. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service areas: *The annexation will increase the City's boundaries. Currently the proposed annexation area is a peninsula that juts into the City, by annexing the area the City boundary will feel more "normal". It is staff's experience that many people and residents already assume the area is part of the City.*
- K. A proposed timetable for extending municipal services to the area and recommendation on how the cost thereof will be paid: *City services are up to the boundary of the annexation. The developer will need to build the infrastructure within the annexation area for the development so the City will incur no development cost, only maintenance cost, once that infrastructure is approved by the City.*
- L. Comparison of potential revenue from the annexed properties with the cost of providing services thereto: *It appears the development will be similar to other development in the general area. Generally residential development does not pay enough in taxes to cover the cost of the services provided by the City. In very general terms, and as described in the City's General Plan, for every dollar the City collects from a residence the City pays \$1.16 to provide services. This is why commercial growth is important for the City which helps offset this unbalanced revenue versus cost.*

- M. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed: *It is estimated that the taxes for the existing homes in the annexation area will increase once they are annexed into the City. Most likely the tax increase will be minimal and will be less than \$40 per year per dwelling.*
- N. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and the potential impact of the annexation on the general county economic needs, goals, or objectives: *No government jurisdiction or agency has objected to the proposed annexation. The City held a review meeting and invited all potentially impacted jurisdictions, agencies and utilities and no major concerns were identified in that meeting. The County does want the City to now maintain the area of Stringtown Road that fronts the annexation area.*
- O. Location and description of any historic or cultural resources: *No issues have been identified.*

Additional Items of consideration

- The City gains control over zoning once an area is annexed. This helps the city assure that uses on the property will be in harmony with the General Plan. If the City does not annex a parcel then the owners may develop in the County using the County's land use code.
- The most recent applicants for annexation to Midway have contributed to the parks fund or have built trails that will benefit not only the new development but also the community in general. The City may consider as a requirement of annexation a donation to the parks or trails fund.
- The resort tax will be impacted by adding more homes to Midway. It has been determined that by 2020 the City will lose the ability to collect the resort tax the City now enjoys. The ability to collect this tax is based on the ratio of permanent residences compared to transient rental rooms. Each year the City has more growth of residences than transient rooms. Annexing an area that will contain potentially three new residences will help offset the current ratio even more. It may be true that nothing can be done to stop the City from losing this tax, but adding more residences into the City limits will not help the issue at hand. This item should be considered for this annexation and any future annexation.

POSSIBLE FINDINGS:

- The City will gain control over land use and zoning if the area is annexed.
- The proposal is a legislative action.
- The proposal will increase density and traffic to the area.

ALTERNATIVE ACTIONS:

1. Recommendation of Annexation Approval. This action can be taken if the Planning Commission feels that the annexation is in the best interest of the community.
 - 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 Annexation Denial. This action can be taken if the Planning Commission feels that the request is not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

Chairman Oksner: Is there currently a trail on Stringtown Road?

Planner Henke: No, but we do have one planned to for the opposite side of the road.

City Engineer: The trail on Stringtown Road is impact fee eligible, and not required by the developer to build it.

Chairman Oksner: Do you have a recommendation donation amount?

Planner Henke: I would average out what we've seen. It would probably be \$589 per acre.

City Engineer: The sewer and water services are currently there for these existing houses and potential future houses in this proposed annexation.

Applicant; Kristine Mecham: I spoke with Mrs. Smith and Mr. Epling to let them know what was going on. Neither one was particularly happy about it, but didn't appear terribly upset.

Commissioner Ream: Is Mr. Epling and Mrs. Smith currently hooked up to our systems?

Planner Henke: Yes

Commissioner Rather: Can the two that didn't sign the petition opt out of being annexed in?

Planner Henke: The State code does allow islands, but that is only if the County agrees to have an island.

Chairman Oksner asked if there were any further discussion

There was none

Motion: Commissioner Kohler: Mr. Chairman, I move that we recommend approval of the Mecham annexation of 10.43 acres we accept the staff report with the findings that the City will gain control over land use and zoning upon annexation. We recognize that the proposal is a legislative action and we also find that by facilitating development that could increase the density in traffic in the area.

Seconded: Commissioner Ream

Chairman Oksner: Any discussion

Ayes: Commissioners Waldrip, Rather, Nichols, Kohler, Ream and O'Toole

Nays: None

Motion: Passed

ITEM: 4

Kristine Mecham is requesting Preliminary/Final approval for a four (4) lot large scale subdivision on 7.48 acres. The property is located at 1100 South Stringtown Road and is located in the RA-1-43 zone.

BACKGROUND:

This request is for preliminary/final approval of a subdivision on 7.46 acres that will consist of four lots. Currently there is one dwelling on the property and the rest is being used for agricultural purposes. There will be a street built within the subdivision and three of the four lots will be limited to access from that local street, only the existing dwelling will have driveway access to Stringtown Road. The lots range in size from 3.58 acres to 1 acre and all meet the requirements for acreage, width and frontage in the RA-1-43 zone.

LAND USE SUMMARY:

- 7.46 acre parcel
- RA-1-43 zoning

- Proposal contains lots (ranging from 3.58 acres to 1 acre)
- The lots will connect to the Midway Sanitation District sewer and the City's water line.

ANALYSIS:

Roads – The proposal is to build a new public road that will create frontage for three lots in the subdivision.

Road cross-section – The developer is asking for approval to install the proposed road that will use the specifications of the rural cross section. The rural cross-section (local street cross-section #4 found on streets – 3 of the Midway city Standard Specification and Drawings) entails 30' of pavement, 2' of concrete and then a road side ditch for drainage. The City requires at least 150' average frontage per lot and specific City Council approval if this specific cross-section is to be used.

Water Connection – The lots will connect to the City's water line located in Center Street.

Sewer Connection – The lots will connect to Midway Sanitations District's line located under Center Street.

Driveway Access – All driveway access will be limited to the local street that the developer will build in the subdivision except for lot 3 that will continue to have direct access to Stringtown Road. The limited access to Stringtown Road is based on the fact that Stringtown Road is classified as a collector road and the City does not allow driveways on this classification unless specifically approved.

Open Space – No open space is required in this subdivision because in the RA-1-43 zone a development less than 10 acres does not require open space.

POSSIBLE FINDINGS:

- 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

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.

- d. Accept staff report
 - e. List accepted findings
 - f. 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.
- g. Accept staff report
 - h. List accepted findings
 - i. Reasons for denial

POSSIBLE CONDITIONS:

- 1. The sewer district must approve the proposed plans before the item is heard before the City Council.
- 2. A Development Agreement must be recorded with the plat.

Agent; Brian Balls: As much as possible we'd like to preserve a rural feel.

Applicant; Kristine Mecham: In regards to the cement around the road versus the rock, all the subdivisions in that area have the rock skirting none have been required to put cement in. I agree with what Brian said in blending in with what is already there. Rock is certainly less expensive than concrete. I'm requesting that we can do rock and not concrete.

City Engineer: That is not an option.

Chairman Oksner asked if there were any further discussion

There was none

Motion: Commissioner Ream; I move that we accept the Whimsy Willow subdivision proposal for preliminary and final approval that we accept the staff report and that the proposed lots meet 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 and we are not placing any conditions on the approval.

Amendment to the motion: Commissioner Nichols; the sewer district must approve the proposed plans, before the item is heard by the City Council and the development agreement must be recorded with the plat.

Commissioner Waldrip: Would you further want to include in your motion that we accept the report by the staff?

Commissioner Ream: I think that I already said that, but okay.

Commissioner Kohler: We probably need to recognize that it is RA-1-43.

Seconded: Commissioner O'Toole

Chairman Oksner: Any discussion

Ayes: Commissioners O'Toole, Rather, Waldrip and Kohler

Nays: None

Motion: Passed

Planner Henke: Commissioner Ream, do you accept those amendments?

Commissioner Ream: Yes I do.

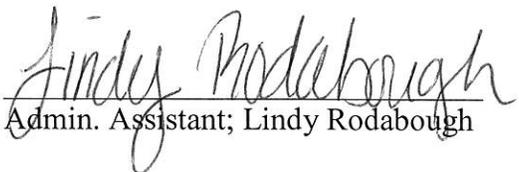
Adjournment

Motion: Commissioner O'Toole: I move that we adjourn.

Meeting adjourned at 8:10 pm



CoChairman; Steve Nichols



Admin. Assistant; Lindy Rodabough

