

Minutes of the Midway City Planning Commission

**Wednesday, 18, December, 2013 7:00 p.m.
Midway Community Center
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, The Store Express, the Midway City Office Building, and the Midway Community Center. The public notice/agenda was published on the Utah State Public Notice Website and a copy sent to The Wasatch Wave.

Attendance:

Kent Kohler – Chairman
Mickey Oksner - Co-Chairman
Jim Kohler
John Rather
Natalie Streeter
Chip Maxfield

Staff:

Michael Henke – City Planner
Jennifer Sweat – Administrative Assistant

Excused:

Stu Waldrip
Karl Dodge
Steve Nichols

6:52 P.M. Work/Briefing Meeting

Planner Henke gave the City Council Liaison Report. No action was taken and the public was welcome to attend.

7:00 P.M. Regular Meeting

Call to Order

Chairman Kohler opened the meeting and welcomed the commissioners, staff and public. Paul Berg, Midway City resident gave the invocation. Chairman Kohler led the Pledge of Allegiance.

Chairman Kohler stated that by way of information Commissioner Dodge, Commissioner Waldrip and Commissioner Nichols were excused from tonight's meeting.

Regular Business

1. Discussion and Possible adoption of the 2014 Planning Commission Meeting Dates

Planner Henke stated that in the Planning Commission meeting packet there was a listing of meeting dates for the Planning Commission for the 2014 year that was available for review prior to the meeting.

Motion: Commissioner J. Kohler made a motion to adopt the 2014 Planning Commission Meeting Dates as presented.

Chairman Kohler asked if there were any other discussions on the motion.

No further discussion were needed

Seconded: Commissioner Oksner seconded the motion.

Votes: Ayes: Commissioner Rather, Commissioner Streeter and Chairman Kohler

Nays: None

Motion: Passed

2. Review and possibly approve the Planning Commission Minutes of November 20, 2013

Commissioner Streeter stated that she had noted that on page three (3), 2nd full paragraph, 2nd line “Eventually this trail will connect to a trail “that will built” in the Midway Village PUD..... the words “that will built” be removed as the trail from Farm Springs will connect to an existing trail in Midway Village. Administrative Assistant Jennifer Sweat stated she would make that change.

Motion: Commissioner Mickey Oksner made the motion to approve the Planning Commission minutes of November 20, 2013 with the correction as noted by Commissioner Streeter.

Chairman Kohler asked if there were any other discussions on the motion.

No further discussion were needed

Seconded: Commissioner J. Kohler seconded the motion.

Votes: Ayes: Commissioner Rather, Commissioner Streeter and Chairman Kohler.

Nays: None

Motion: Passed

3. Election of Chairman and Vice Chairman of the Planning Commission

Chairman Kohler stated that any of the current members could be nominated for Chairman and Vice Chairman, and they do not need to be present to be nominated.

Commissioner John Rather nominated Commissioner Mickey Oksner, who has been serving as Co-Chairman, as Chairman of the Planning Commission.

All commissioners agreed with this nomination, and Commissioner Oksner was elected as Chairman of the Planning Commission.

Commissioner Mickey Oksner nominated Commissioner Stu Waldrip as Co-Chairman of the Planning Commission.

All commissioners agreed with this nomination, and Commissioner Stu Waldrip was elected as Co-Chairman of the Planning Commission.

Commissioner John Rather had a conflict arise and requested to be excused from the meeting at 7:08 p.m. which was accepted by Chairman Kohler, as the commission did have a quorum. Commissioner Chip Maxfield arrived at 7:09 p.m.

4. Paul Berg, agent for Daniel Luster, is requesting a Final Approval for Farm Springs. The proposal is a large scale-subdivision and consists of 14 lots on 26 acres. The property is located at 550 North Center Street and is located in the R-1-15 zone.

Planner Henke thanked Chairman Kohler and the Commissioners.

Planner Henke stated that this request is for final approval for the proposed project named Farm Springs, previously known as The Settlement. The project consists of 14 lots on 26 acres. The proposal does have sensitive lands over part of the property and it is in an area where a future planned collector road will be built along with an accompanying trail. The 600 N. collector road that is a part of this development is an important connector road for the City. There are few east-west connections and this is one of the last options available on the north section of town. Since 1977 this road has been part of the City's Transportation Master Plan. This property has been known as The Settlement for the past two times that it was proposed for development. Those plans consisted of 36 lots in a Planned Unit Development then last year it was proposed with 11 lots. Neither of those two plans currently have any entitlement.

Planner Henke presented a power point presentation of the property.

(Note: A copy of the presentation is available in the supplemental file.)

Planner Henke stated that the City Council granted preliminary approval on December 11, 2013 but there are ten issues that they would like to be addressed before the item returns to the City Council for final approval. These items include the following:

1. Street cross section – The developer is proposing that the City approve a rural cross section for the project instead of a more urban cross section. The City Council instead approved an urban cross section that includes curb, gutter, and a sidewalk while the rural cross section would have a swale instead of the curb and gutter with an 8' wide hard surface trail on the north side of the road.
2. Trail – The developer proposed an 8' paved trail to be constructed through the property. The City Council approved the trail to be 6' wide concrete trail.
3. Basements – Basements will not be allowed in the subdivision. This is based on the possibility of disrupting unground water in the area. Foundations will not be allowed to break the pot rock under the dwelling sites. The foundations will be placed on the pot rock and the final grade will need to be at a depth to meet frost depth requirements.
4. Clay dams – Clay dams will be constructed as needed when water is encountered on the property. They will serve as a barrier to keep the water in its original location if a disturbance occurs through construction.
5. Saw cuts – Excavation for infrastructure will use saw cuts instead of hammering. This should reduce the chance of fracturing the rock which could disrupt the underground hydrology in the area.

6. Irrigation ditch – the irrigation ditch that crosses the property is owned by Midway Irrigation. The developer would like to reroute the ditch and create a water feature along the road. The irrigation company will make a final decision if this will be allowed. They will decide where it is located and if it will continue to be an open ditch or if it will be piped.
7. Landscape plan – A landscape plan will be required for open space areas. Also a bond will be required to ensure the landscaping is installed as per plan.
8. Fence line agreements – There are two fence lines in contention on the property. Fence line agreements will need to be signed before the plat is recorded.
9. Access agreement – A neighboring land owner has claimed there is an access agreement for lot one (1) of the Pope Small Subdivision. She would like the easement shown on the plat. The City Council has asked that she provide documentation of the agreement before the easement is included in the plat.
10. Road escrow – The far west end of 600 N will not be constructed initially until the road connects to the west. The developer will be required to place the estimated amount of the road in an escrow account. The funds will be used once the road is constructed in the future.

Paul Berg, agent for Farm Spring was present for any questions the commissioners had for him.

Commissioners discussed the ten (10) items brought forward by the City Council, and discussed each item with Paul Berg. They discussed the pro and cons of street cross section (item one), the trails (item two), basements (item three) and the irrigation ditch (item six). They also discussed landscaping, type of trees, etc.

Mr. Berg stated that in regards to item eight (8) they felt they had reached fence line agreements and at this point they are working on drafting agreements with those parties.

It was also Mr. Berg's opinion that the applicants did not have a problem with items four (4), five (5), seven (7) or ten (10) at this time, and if that was the final recommendation of City Council they would abide by those guidelines.

Chairman Kohler asked if the commissioners had any other questions for Mr. Berg or Planner Henke. They did not.

Motion: Commissioner Maxfield made a motion for Final Approval for Farms Springs Subdivision. He moved to accept the staff findings, with recommendations that in regards to Item One (1) that it be approved as rural cross section, Item Two (2) the trail be an eight (8) foot paved trail, and to clarify on Item Three (3) to change the language from "basement" to state "do not disrupt the pot rock or water table" and on Item Six (6) the irrigation ditch to be allowed to remain opened as shown on the plans presented this evening.

Chairman Kohler asked if there were any other discussions on the motion.

No further discussion were needed

Seconded: Commissioner Streeter seconded the motion.

Votes: Ayes: Commissioner Oksner, Commissioner J. Kohler, and Chairman Kohler.

Nays: None

Motion: Passed

5. Public Hearing for proposed General Plan Amendment of the Moderate Income Housing Elements (pgs. 41-44). The proposed amendment would modify the language in this section of the General Plan.

Planner Henke thanked Chairman Kohler and the Commissioners.

Planner Henke presented a power point presentation of the property.

(Note: a copy of the presentation is available in the supplemental file)

Planner Henke stated that tonight is a public hearing for a proposed General Plan Amendment to the City's General Plan. The proposed change would modify the Moderate Income Housing Element of the Midway City 2011 General Plan (pgs. 41-44) to replace references to Affordable Housing with Moderate Income Housing; to clarify where multi-family dwellings are allowed; to make Moderate Income Housing a voluntary effort; and to confirm that the existing inventory of Moderate Income Housing provided by naturally occurring zoning districts, mixed uses and voluntary inclusionary zoning is sufficient to provide an adequate supply of Moderate Income Housing.

Planner Henke stated that Midway City has an adopted General Plan from 2011. One section of the plan addresses the Moderate Income Housing Element. Other municipalities have modified or are in the process of modifying their ordinances regarding Moderate Income Housing which have proven difficult to enforce or monitor. This issue has been discussed with the Planning Commission on several occasions.

Planner Henke stated that Utah law requires that municipalities, through the general plan process, include a plan for Moderate Income Housing addressing the following five issues:

- 1) An estimate of the existing supply of Moderate Income Housing located within the municipality.
- 2) An estimate of the need for Moderate Income Housing in the municipality for the next five years as revised bi-annually.
- 3) A survey of total residential zoning.
- 4) An evaluation of how existing zoning densities affect opportunities for Moderate Income Housing.
- 5) A description of the municipality's program to encourage an adequate supply of Moderate Income Housing.

Planner Henke stated that he has reviewed the language of the Moderate Income Housing Element, and finds the following:

- 1) There are approximately 350 residential units that meet the definition of Moderate Income Housing in the City. This equates to approximately 18% of the total housing units according to the 2010 Census.

- 2) The City's Moderate Income Housing is available in a combination of Resort Zone condominiums, Planned Unit Development townhomes, trailers and smaller houses (including duplexes) in the R-1-7 and R-1-9 residential zones.

Planner Henke stated that as a result of the review, he is recommending a number of changes as well.

- 1) In the Survey of Residential Zoning section, the R-1-9 zone has been added to accurately reflect the zoning code.
- 2) In the Evaluation of Zoning's Effect on Housing Opportunities section, a description of the types of housing which comprise the Moderate Income Housing in Midway has been added.
- 3) In the Program to Encourage Moderate Income Housing section, Moderate Income Housing is now described as 'voluntary' and there is a reference to "up to a 5% density bonus for developers who wish to participate".
- 4) All references to Affordable Housing have been replaced by Moderate Income Housing.
- 5) Summary bullet points in the box titled "Midway's Moderate Income Housing Ordinance" have been updated to reflect methods of contribution preferred by the City in this amendment.
- 6) Moderate Income Housing Objectives Goals, Objectives, and Policies have been updated and revised.

Planner Henke stated that the General Plan is a guiding light for the community and is developed to help the city grow in a manner that is harmonious with that plan. A general plan should be a vision that has been created by the citizens of the community of what the City should become as it grows and develops. When decisions arise it is essential that decision makers review the General Plan and base any decisions made from what it outlined in that document.

Planner Henke stated that Title 16, Chapter 16.20 of the Midway City Municipal Code Affordable Housing has recently been considered by the Planning Commission. The Planning Commission recommended that the chapter be deleted in its entirety and that issues related to Moderate Income Housing become voluntary and addressed through the General Plan. This necessitates an amendment to the General Plan. The City Council will consider the revisions to Title 16 together with this General Plan Amendment once the Planning Commission makes its recommendation on the General Plan Amendment.

Planner Henke stated that the findings for this item are:

1. The recommended changes are consistent with the requirements of state law which require that municipalities, through the general plan process, have a plan for moderate income housing addressing five issues.
2. The recommended changes comply with the five issues.

Chairman Kohler opened the meeting to a Public Hearing to received public comments.

No Comments were given.

Chairman Kohler closed the Public Hearing

Motion: Commissioner Maxfield made the motion to accept the proposed General Plan Amendment to the City's General Plan. The proposed change would modify the Moderate Income Housing Element of the Midway City 2011 General Plan (Pages 41-44) to replace references to Affordable Housing with Moderate Income Housing; to clarify where multi-family dwellings are allowed; to make Moderate Income Housing a voluntary effort; and to confirm that the existing inventory of Moderate Income Housing provided by naturally occurring zoning districts, mixed uses, and voluntary inclusionary zoning is sufficient to provide an adequate supply of Moderate Income Housing. Commissioner Maxfield moved also accepted staffs findings, and forward this recommendation to City Council.

Chairman Kohler asked if there were any other discussions on the motion.

No further discussion were needed

Seconded: Commissioner J. Kohler seconded the motion.

Votes: Ayes: Commissioner Streeter, Commissioner Oksner, and Chairman Kohler.

Nays: None

Motion: Passed

Planner Henke stated that he would like to thank Chairman Kent Kohler and Commissioner Karl Dodge for their time served on the Planning Commission. We wish them well on their new adventure as Council Members.

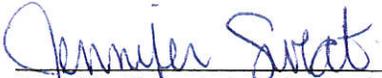
Chairman Kohler asked for motion to adjourn.

Commissioner Oksner moved for adjournment @ 8:45 p.m.

Motion Accepted.



Michael "Mickey" Oksner, Chair



Jennifer Sweat, Admin Assistant