

Midway City Planning Commission Regular Meeting Minutes September 8, 2020

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., September 8, 2020, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas- Chairman
Rob Bouwhuis– V Chairman
Bill Ream
Rich Cliften
Andy Garland
Heather Whitney
Craig Simons

Staff

Michael Henke – City Planner
Melannie Egan – Admin. Assistant
Wes Johnson – City Engineer

Excused

Jon McKeon
Michelle Crawford

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Commissioner Cliften,
 - Chairman Nicholas led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting of August 11, 2020.

Motion: Commissioner Bouwhuis: I move that we approve the Planning Commission meeting minutes of August 8, 2020 with the changes given to Melannie Egan.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion the motion?

There was none

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Simons, Cliften, Bouwhuis, Whitney and Garland

Nays: None

Motion: Passed

Item 2:

Hilltop Homes, agent for Marilyn Holland Trust, is requesting Preliminary approval for Edelweiss Meadows Subdivision which will develop “Remaining Parcel B” of the Kim Bezzant Subdivision. The proposal is to subdivide Parcel B into six lots which, per City code, is a large-scale subdivision. The property is 3.64 acres and is located at 640 East and 200 South and is in the R-1-11 zone.

Planner Henke gave a presentation

Land Use Summary

- Parcel B
 - 3.64 acres
- R-1-11 zone
- 6 lots
- Public road
- Temporary cul-de-sac

Discussion Items

- Density
- 200 South
 - Street master Plan
- Resolution 2009-2
- Plat amendment/partial vacation of the Kim Bezzant Subdivision
- Kim Bezzant concerns
 - Plat amendment signature block
 - Access during construction
 - Any damage to property (yard, fence, irrigation system, etc.) must be restored

Possible Findings

- The proposal does meet the intent of the General Plan for the R-1-11 zone
- The proposal does comply with the land use requirements of the R-1-11 zone
- 200 South is required as part of the City’s General Plan

Proposed Conditions

1. A plat amendment and or vacation must be submitted with final application for the proposal.
2. The developer must submit a plan to address Mr. Bezzant’s concerns as listed in the staff report that include the deeding the 200 South right-of-way, access to lot 1 during construction, and restoration to any damaged property. This plan must be submitted to staff before the item is placed on a City Council agenda.
3. An access easement must be provided on the plat to maintain the detention pond.
4. A note must be included on the plat informing the future owner of lot 3 that the pond may not be modified in any way that reduces capacity or functionality of the stormwater runoff pond.

Commissioners and Staff Comment

Wes Johnson stated that he would prefer to have the detention pond that is located on lot 3 in the front of the lot. He stated that it would be very difficult to get equipment down into the easement that is located on lot 4. Also considering that there is usually a fence between the lots. There are also difficulties in making sure that the detention pond does not get filled in by a homeowner, there are some restrictions regarding landscaping also.

There was a small discussion regarding the cul-de-sac and the possible future road, excess cul-de-sac after the extension happens and making it known on the plat that it is a “temporary” cul-de-sac with addition notes that would help a future buyer.

Paul Burg responded to Wes about the cul-de-sac. They put the retention pond in the back because it is a 100-year detention pond, and it is was placed there because it is the lowest point on the lot. It was also an idea that it could be possible that the future driveway could possibly be the solution. Wes and Paul stated that they both had no doubt that they will be able to figure it out. Rob had a comment that he felt that putting the detention pond in the front would be a bit strange as it would put the setback for this one lot would be way different and could look odd. Dennis Higley stated that he agreed about the aesthetics of putting the pond in the front, he also stated that it is naturally is where the water goes anyways.

Motion: Commissioner Whitney: I make a motion that we recommend approval of the request for preliminary approval of Hilltop Homes, for Edelweiss Meadows Subdivision which will develop “Remaining Parcel B” of the Kim Bezzant Subdivision. The proposal is to subdivide Parcel B in to six lots which, per City code, is a large-scale subdivision. The property is 3.64 acres and is located at 640 East and 200 South and is in the R-1-11 zone. We accept the staff finding and the four conditions that are listed in the staff report which are; 1. A plat amendment and or vacation must be submitted with final application for the proposal. 2. The developer must submit a plan to address Mr. Bezzant’s concerns as listed in the staff report that include the deeding the 200 South right-of-way, access to lot 1 during construction, and restoration to any damaged property. This plan must be submitted to staff before the item is placed on a City Council agenda. 3. An access easement must be provided on the plat to maintain the detention pond. 4. A note must be included on the plat informing the future owner of lot 3 that the pond may not be modified in any way that reduces capacity or functionality of the stormwater runoff pond.

Seconded: Commissioner Cliften

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Simons, Cliften, Bouwhuis, Whitney and Garland

Motion: Passed

Item 3:

Midway City is proposing to adopt new code text to the Midway City Municipal Code. Section 16.13.48: Double Frontage would be added to the code that would regulate when double frontage lots are allowed.

Planner Henke gave a presentation

Double Frontage

- Definitions
 - A double frontage lot is defined as a lot, other than a corner lot, with frontage on more than one street.
 - Another definition is an interior lot bounded by two or more abutting street lines that do not intersect.
- Generally discouraged or prohibited by cities and counties
 - Unless lots back to collector or arterial roads

Section 16.2: Definitions

- 49 d. Double Frontage Lot. An interior lot bounded by two or more abutting street lines that do not intersect. For the purposes of the land use code, any lot with less than fifty (50) feet from the rear lot line to a street right-of-way shall be considered a double fronted lot.

Section 16.13.48 Double Frontage Lots.

- Double frontage lots shall not be permitted in zones R-1-7, R-1-9, R-1-11, R-1-15, and R-1-22, except in situations where access is not allowed onto a collector (does not include local or minor collector roads) or arterial roads as outlined in the Midway Road System Master Plan.

Possible Findings

- The proposed code would regulate when double frontage lots may be created
- Double frontage will not be allowed when a lot backs a local, minor collector, or local collector street
- Double frontage will be allowed when a lot backs a collector or arterial street
- The proposed code may reduce the ability of some properties to develop

Commissioners and Staff Comment

There was a short conversation regarding double fronting in PUD vs regular subdivision. Michael stated that the code would potentially limit some development. There was a conversation about the safety.

Paul Berg stated that he would like to see the RA-1-43 zone added into the new proposed language in the new code. There was a conversation regarding if adding the RA-1-43 could hurt very large lots in the future. It was stated that possibility would be very rare and if it did come up in the future, it could be possible for that variance.

Motion: Commissioner Cliften: I make a motion that we recommend adopting new code text to the Midway City Municipal Code in Section 16.13.48 and including the definition of 16.2. Double Frontage would be added to the code that would regulate when double frontage lots are allowed. Also adding the RA-1-43 into the language, and that we would accept staff findings.

Seconded: Commissioner Whitney

Chairman Nicholas: Any discussion on the motion?

There were some clarifications added to the motion

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Simons, Cliften, Bouwhuis, Whitney and Garland

Nays: None

Motion: Passed

Item 4:

Midway City is proposing to adopt new code text to the Midway City Municipal Code. Section 16.29: Tree Regulations and Preservation would be added to the land use code.

Planner Henke gave a presentation

Tree Regulations

- City is considering ordinance
 - Tree City USA
 - Establish setbacks for trees from public trails and private trails on public trail easements
 - Establish the duties and responsibilities of the Parks, Trails, and Trees Advisory Board
 - Establishes basic guidelines for tree care

Tree City USA

- Establish a City Tree Board – The City has decided to reform the Trails and Parks Advisory Committee to the Parks, Trails, and Trees Advisory Committee. A code text amendment of Section 2.06 will be proposed to the City Council that will establish the required committee.
- Adopt a Community Tree Care Ordinance – The current proposal, if approved by the City Council, will meet the requirement of adopting a tree care code.
- Adopt a Budget for Tree Care – Midway must adopt a budget and spend at least \$2 per capita (about \$11,000 annually) toward planting, care, and removal of city trees. The City Council has already budgeted the proper amount and now needs to spend and document the spending of the funds for tree care.
- An Arbor Day Observance and Proclamation – The City must celebrate Arbor Day and adopt a proclamation. The Arbor Day observance will most likely be in conjunction with the Wasatch Mountain State Park. As the City moves forward in this process, a proclamation will be created and adopted, and the Arbor Day observance will be planned.

Tree Setbacks from Trails

- Certain tree species have been planted too close to trails and the roots have damaged the trails
 - Repairing trails is expensive and can be avoided if trees are planted the correct distance from trails
- Code establishes setbacks for species of trees
- Parks, Trails, and Trees Advisory Board will determine acceptable trees on an approved list

Duties and Responsibilities of Tree Board

- Recommending tree related plans to the City Council
- Creating tree inventories
- Create other tree related recommendations for the City Council

Tree Care

- Establish basic guidelines for tree care on public property
 - Parks
 - Park strips
 - Public right-of-way
- Allows removal of unsafe trees on and private property
 - This action shall only be taken after and licensed arborist recommends the action is necessary.

Possible Findings

- The proposed code will fulfill one of the requirements to become a member of the Tree City USA program
- Setbacks from public trails or from private trails with public access easements will be established that will create a safer experience for pedestrians, reduce liability for the City, and save money for the City by avoiding costly repairs
- General tree care guidelines will be established for trees located on public property and in the public right-of-way

Commissioners and Staff Comment

There was clarification regarding the list of trees. Rob Bouwhuis clarified that the tree list is basically the ones that can be planted 30 feet near a trail.

Rob Bouwhuis and Bill Ream made some language changes to the new code that would give better clarification of the section and its meanings.

There was a discussion regarding to add language about noticing to the public when the city may have a need or safety issue that could possibly require the removal of a tree or trimming of a tree on private property.

Motion: Commissioner Bouwhuis: I make a motion that we recommend adopting new code text to the Midway City Municipal Code. Section 16.29: Tree Regulations and Preservation would be added to the land use code. Accept findings lined out in the staff report and adopt the language in the staff report with the following modifications: in 16.29.30, after the words, advisory committee, that it says “maintain” instead of “compiled”. Item 4- underneath that section we modify it to say, “Any other tree may be proposed, but only approved after it has been reviewed and given approval by the Parks and Trails Advisory Committee.” Section 16.29.040, list paragraph A- after the words “all streets” add “public trails”, excreta. Unsafe conditions- add the words “as to the public” and remove the words: sewers, electrical power lines, gas lines, water lines and any other public improvements and add “their injurious to the city/public improvements and or utilities. Add onto the last sentence “reasonable notice is given to the property owner, generally a two-week notice, except in the case of emergency. And correct the typo by replacing the “and” with an “a”.

Seconded: Commissioner Cliften

Chairman Nicholas: Any discussion on the motion?

There were some clarifications added to the motion

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Simons, Cliften, Bouwhuis, Whitney and Garland

Nays: None

Motion: Passed

Item 5:

Planning Commission training on the Utah Open and Public Meetings Act.

Planner Henke gave a presentation

Adjournment

Motion: Commission Garland

Second: Commissioner Bouwhuis

8:30 pm

Chairman – Jeff Nicholas

Admin. Assistant – Melannie Egan