



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: September 14, 2021
NAME OF APPLICANT: Midway City
AGENDA ITEM: Code Text Amendment of Title 16.2 and 16.13

ITEM: 3

Midway City is proposing an amendment to Section 16.2 Definitions of the Midway City Municipal Code and the adoption of new code text in Section 16.13 – Supplementary Requirements in Zones. This proposal would allow for the onsite sale of certain agricultural products that are grown on the property. The proposed amendment would also add agriculture as a permitted use in all Midway City zones.

BACKGROUND:

Staff is proposing a code text amendment to Section 16.2: Definitions, that would remove the prohibition on property owners from selling agricultural crops that are grown on their private property. It would add a new section to 16.13: Supplementary Requirements in Zones, that outlines the criteria for private property owners to sell agricultural crops that are grown on the property. It would also add “agriculture” as a permitted use in all residential, commercial and resort zones. The proposed adjustments help promote the vision, goals and objectives as described in the General Plan.

Community Vision Element:

- Goal 1: To be a beautiful, organized small-town community based on its distinct history of agriculture, open space and recreation.
 - Guideline 5: Encourage the preservation of prime agricultural land and open space within Midway and the surrounding valley.
 - Guideline 8: Encourage agriculture, including animal rights, throughout the City to help promote a rural atmosphere.

Economic Development, Resort and Tourism Area Element:

- Goal 3: Encourage retail opportunities to obtain basic necessities and other commercial and retail services within the community.

Historic Preservation Element:

- Goal 2: To preserve Midway’s heritage.
 - Objective 1: Preserve the heritage of Midway.

Open Space Element:

- Design Objective 2 - Midway City has a multi-faceted character, including clearly rural older areas, and newer developments with typical suburban character. The historic rural areas provide the city with a unique character / atmosphere, supported by readily visible in-town agriculture (cow & pasture ambiance), country-feel roads (grassy shoulders, open ditches), in-town barns and other historic buildings, etc. Preserving this character may require not only acquisition of selected in-town open space currently in agricultural use but may also require city code and planning support.

The proposed modifications would be as follows:

Modify the definition of agriculture in section 16.2 of the land use code. (Staffs proposed adjustments are *italicized* and in red).

16.2 - Definitions

1. Agriculture. The growing of soil crops in the customary manner in the open. It shall not include livestock-raising activities. *The retailing of soil crops that are grown on-site will be allowed in all residential, commercial and resort zones, as outlined in 16.13.*

Currently, agriculture is a permitted use in only one of the residential zones, RA-1-43. Staff is proposing that it is added as a permitted use is all residential, commercial and resort zones.

In addition to the above modifications, planning staff is proposing that the following section is added to 16.13 Supplementary Requirements in Zones, outlining the criteria that will allow a private property owner to sell agricultural crops grown onsite. Text in red are items that were added at request of PC following 7/13/21 PC meeting.

16.13.49 Agricultural Sales in Residential Zones

Owners of private property in residential zones, may sell agricultural crops that are grown onsite with the approval of the zoning administrator or its designee and in compliance with the following guidelines:

1. *Property owners must submit a no-cost special use application to the Midway City planning department that addresses the following:*
 - a. *Provide a list of what agricultural crops will be sold onsite. All agricultural crops being sold must be grown on-site. The sale of non-agricultural items, agricultural crops grown off-site, animals, animal byproducts or processed foods is strictly prohibited.*
 - b. *Provide a site plan showing the following:*
 - i. *Any proposed improvements.*
 - ii. *The location of any proposed farm retail stand. Retail stands may not exceed 100 square feet (gross square footage) and must be located outside of the right-of-way, on the applicant's private property. Retail stands must be temporary structures and can only be erected during business hours. They must be removed at the end of each business day. Retail stands must be approved by the Midway Fire Chief.*
 - iii. *Proposed parking must be shown to ensure it is safe and adequate. Parking in the public right-of-way may be allowed if there is adequate room and it is in a location that is deemed safe. If parking in the right-of-way is not possible, then all parking must be located on private property. All parking is subject to the approval of the zoning administrator or its designee.*
 - c. *Allowed hours of operation: 8:00 AM to 7:00 PM, Monday through Saturday*
 - d. *Allowable signage: One sandwich board sign up to nine square feet that may be located in the right-of-way at ground level and cannot taller than four feet in height.*
2. *Must be in compliance with any local or state health and agricultural department requirements.*

Proposed code adjustments appear to be in harmony with the previously mentioned goals and objectives of the general plan and create opportunities for property owners to profit from engaging in less intense uses on their property, which contribute to the rural character of Midway.

MOTION FROM 7/13 PLANNING COMMISSION MEETING:

Motion: Commissioner Simons: I make a motion that we recommend to continue the proposed amendment to Section 16.2 Definitions of the Midway City Municipal Code and the adoption of new code text in Section 16.13 – Supplementary Requirements in Zones. This proposal would allow for the onsite sale of certain agricultural products that are grown on the property. We would ask staff to address the following in the proposal: require the farm stand to be a temporary structure that is only erected during business hours, reduce the allowable size of farm stand, hours of operation, days per week (Mon.-Sat.)

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Cliften, McKeon, Ream, Wardle, Whitney, Garland and Simons

Nays: None

Motion: Continued

POSSIBLE FINDINGS:

- Promotes the goals and objectives of the General Plan which includes the preservation of Midway’s agricultural character
- Creates additional incentive for property owners to engage in less intense uses by allowing them to grow and sell agricultural crops from their property
- Contributes to the rural atmosphere of Midway

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City’s Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
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 finds 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