



Midway

PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: November 8, 2022

NAME OF PROJECT: Miller Land Use Map Amendment

NAME OF APPLICANT: Berg Engineering

PROPERTY OWNER: Derald Miller

AGENDA ITEM: Land Use Map Amendment

LOCATION OF ITEM: 1220 North Interlaken Drive

ZONING DESIGNATION: RA-1-43

ITEM: 2

Berg Engineering, representative for Derald Miller, is requesting a Zone Map Amendment of the Midway City Land Use Map. They are requesting that their parcel located at 1220 North Interlaken Drive be added into the Transient Rental Overlay District (TROD). The parcel is 5 acres and is zoned RA-1-43.

BACKGROUND & ANALYSIS:

The applicant is requesting an amendment to the Midway City Land Use Map and is proposing that his property is included in the Transient Rental Overlay District (TROD) boundary. This would give him the opportunity to apply for a Conditional Use Permit which would then give the ability to rent the home as transient/nightly rentals as outlined in the Midway municipal code. A transient rental is defined as a dwelling that is rented for two to 30 days. Any rental of a dwelling for more than 30 days is considered a long-

term rental and does not require any licensing from the City and does not need to be located in the TROD. A transient rental license has several restrictions that regulate items such as the number of people that can stay in the home, number of vehicles that can be parked at the home, a locally licensed property management company must manage the home, the home must pass several inspections, and other requirements also apply. Homes that are licensed in the City as transient rentals have generally had very few complaints from neighbors. If the property manager is proactive about informing renters of the rules, then there usually are not any problems. We have found over the past several years that whenever a home is proposed as a transient rental some neighbors have been in opposition.

The property of the proposed rezone is not contiguous with any other property in the TROD. The nearest TROD boundary is located about 1,700 feet to the south on the Mountain Spaa property. The property does have a history as a rental. It is staff's understanding the property was a Bed & Breakfast in the 1990s and early 2000s. The property was annexed into Midway from Wasatch County in 2001. It appears that since annexation, the property has only been used as a single-family dwelling and not as a Bed and Breakfast. Even if the proposed rezone is not approved, a Conditional Use Permit application could be submitted to the City to use the property as a Bed & Breakfast again because the property is greater than two acres. The permit could be approved if all requirements are met. The applicant would rather use the property as a nightly rental instead of a Bed & Breakfast and therefore, has applied to amend the Land Use Map. If the application is approved, the applicant would like to ultimately subdivide the property and create two lots that could be used as nightly rentals (see attached).

The City has been restrictive regarding rentals and only allows them in the overlay district. Generally commercial areas and areas near the resorts are included in the overlay zone. This property is not in the resort or commercial zone but as mentioned previously, it does have a history as a transient rental. One reason why the City has been restrictive regarding transient rentals is because the balancing act the City must handle regarding property owners and neighbors. Transient rentals are good revenue sources for the owners of the property, and they generate transient rental taxes for the City and help with the resort tax that the city collects. They also make it easier for tourists to visit the City and to spend money in the local economy. The other side of the issue is they create added competition for the resorts in town and they can be disruptive to the neighborhood. Striking the balance between all these issues has been difficult and has led the City to create the overlay district which covers areas that are generally more conducive to rental units because of the surrounding uses in the area.

An item to consider is the precedent that is established with each revision to the Land Use Map, especially for the TROD. Rental properties are important in the fact that they help the local economy and the taxes that are gathered because of that activity. There are other points to consider that may not have a positive impact on the community. One is that short-term rentals reduce the potential available housing pool in town. Each unit that is rented short-term is one less unit that could be used as a long-term rental. Some communities completely restrict the ability to allow units to be rented on a short-term

basis. Others, like Midway, only allow rentals in specific areas. Recently, a rezone to expand the TROD was approved on 100 South and 100 West. We have the current application before the City and it seems likely that Midway will continue to receive new applications. With each approval that is granted to expand the TROD, it makes it more difficult to deny the next application, even if the action is legislative in nature

This item has been noticed in the local newspaper for two weeks and on the State's website for the Planning Commission meeting. Mailed notice was sent out to all property owners within 600' for the public hearing that will be held by the Planning Commission.

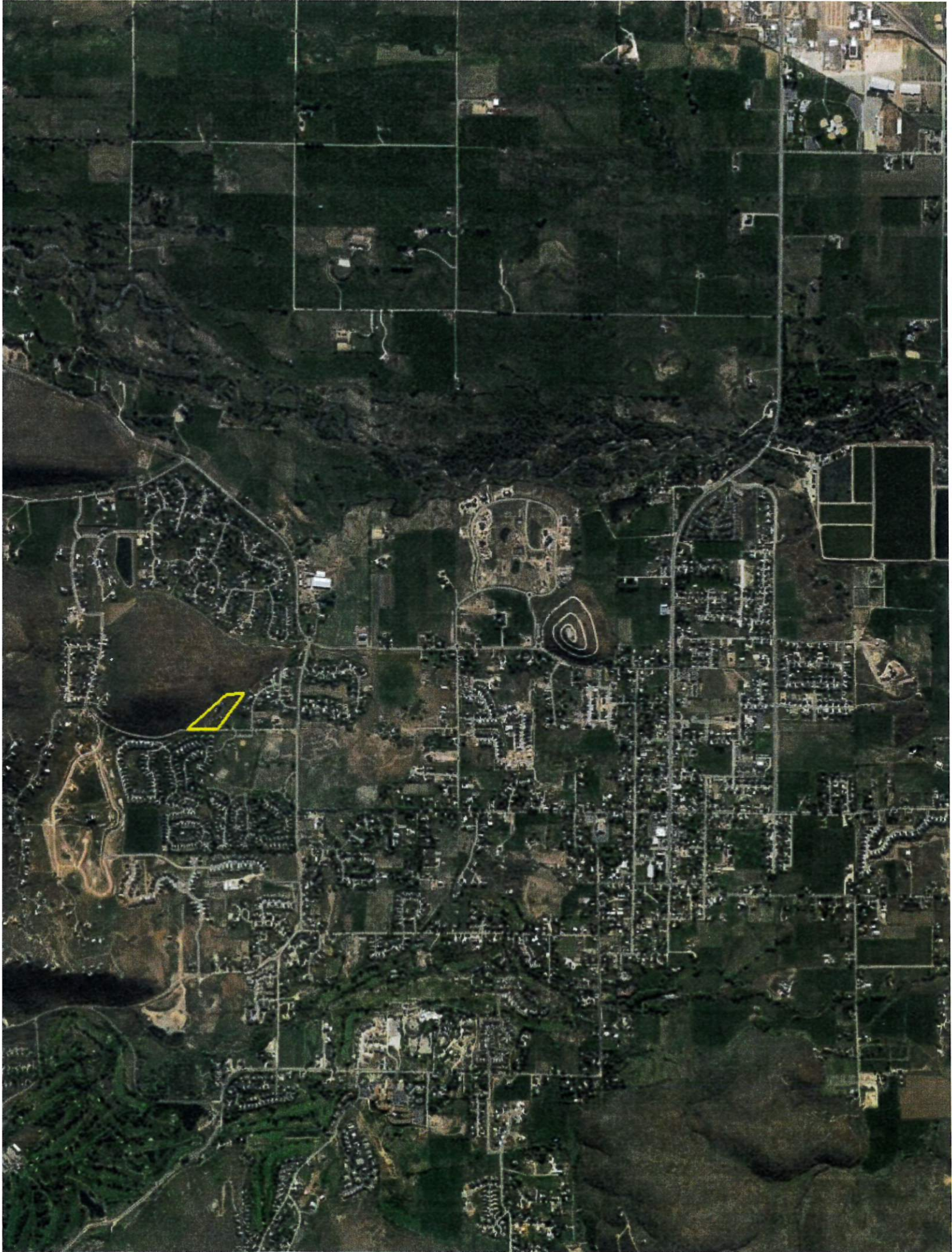
POSSIBLE FINDINGS:

- The proposed property is not contiguous to the TROD.
- The property does have a history of being used as a Bed and Breakfast.
- The applicant will need to apply for a Conditional Use Permit if the zone amendment is successful.
- Renting the property will generate more transient rental taxes for the City and will help the City to qualify to collect the Resort Tax.
- The City Council is under no obligation to approve the proposal but may do so if they find it will benefit the community.

ALTERNATIVE ACTIONS:

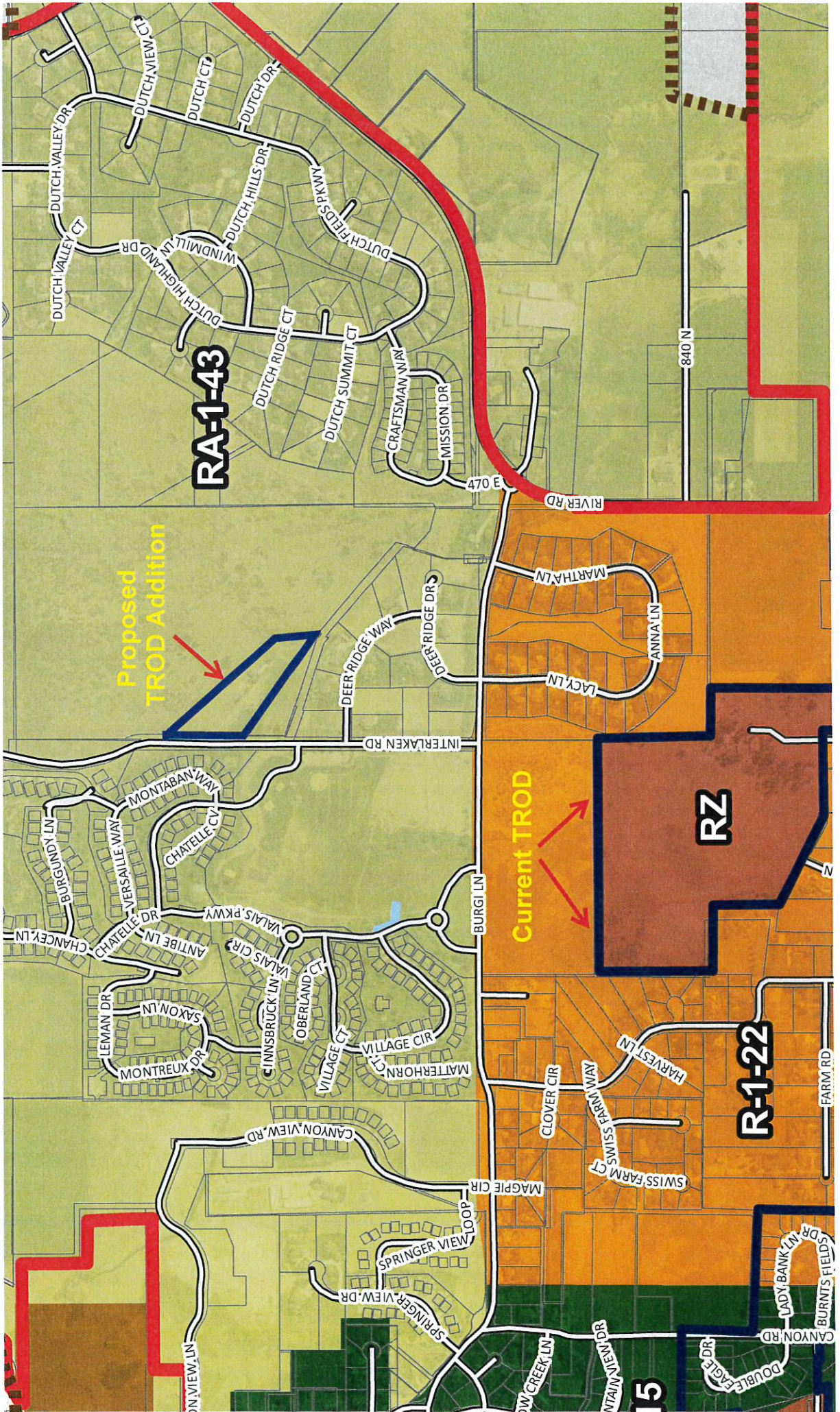
1. Recommendation for Approval. This action can be taken if the Planning Commission finds proposal is acceptable and is in the community's best interest.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the Planning Commission finds 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 finds that the request is not acceptable and not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial









RA-1-43

Proposed
TROD Addition

Current TROD

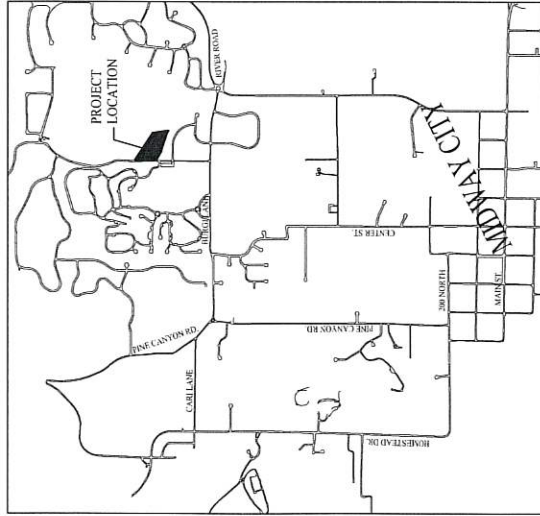
RZ

R-1-22

5

MILLER ZONING MAP AMENDMENT

FOR TRANSIENT RENTAL OVERLAY DISTRICT (TROD)



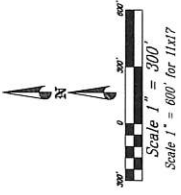
VICINITY MAP

SHEET INDEX






1. ZONING EXHIBIT
2. COUNTY PARCEL MAP
3. TROD CONCEPT PLAN

THE DOCUMENT IS HEREBY
FORWARDED ONLY IF IT IS NOT
UNLESS SIGNED AND SEALED.
PAUL B. BERG, P.E.
DATE: 31 OCT 2022

HERALD MILLER TROD MAP AMENDMENT
COVER SHEET
 BERG ENGINEERING 10000 MIDWAY BLVD MIDWAY CITY, CA 94560 PH: 925.225.1949
DESIGN BY: PBM DRAWN BY: JMB DATE: 10 OCT 2022 SHEET: 0



LEGEND

-  R-1-22
-  R-1-43
-  RESORT ZONE
-  TROZ
-  PROPERTY TO INCLUDE IN TROZ

THIS DOCUMENT IS INCOMPLETE
 FOR RECORD PURPOSES ONLY. IT IS
 NOT TO BE USED FOR ANY OTHER
 PURPOSES, INCLUDING, BUT NOT LIMITED TO,
 CONSTRUCTION OF PUBLIC UTILITIES.
 DATE: 3.07.2022 P.E.

STACEY MILLER
 INTERLAKEN ROAD

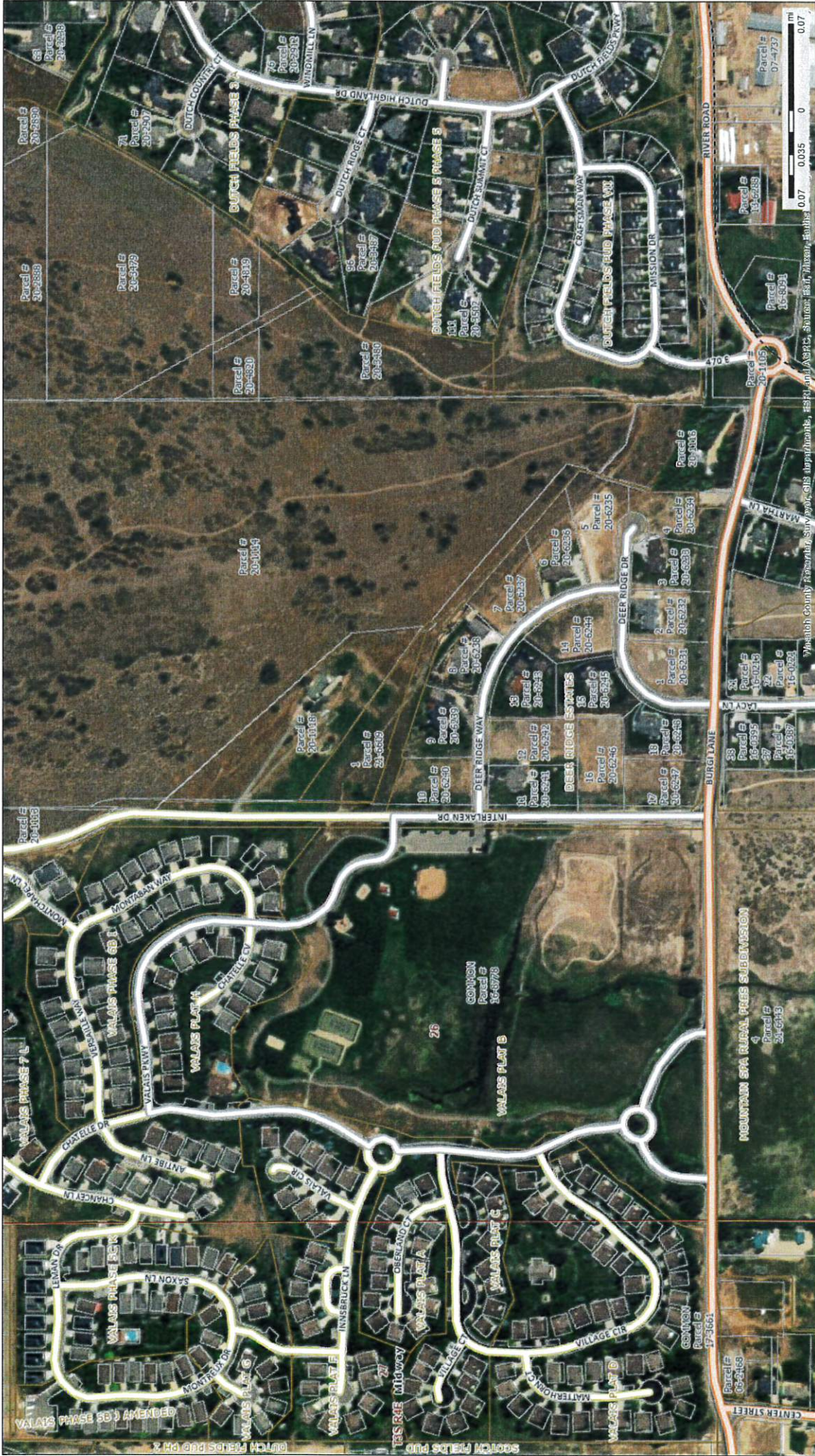
ZONING EXHIBIT



DESIGNER: TMB DATE: 03/07/2022
 DRAWN BY: JBA

SHEET
EX1



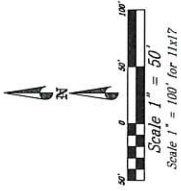


The boundary lines shown herein have been generated for the normal use of Wasatch County and should only be used for general reference purposes. Questions regarding property boundaries should be directed to the appropriate landowner or recorded deed survey. Wasatch County makes no warranty as to the accuracy or usefulness of this information. The end user of this information assumes all responsibility concerning the information's appropriate use.

Wasatch County Parcel, Subdivision, Range, Township, Section, City Block

— Municipal — Collector — Private — Driveway — Railroad — Proposed — Other — Highway
□ Township and Range □ Subdivision □ Section □ Water Body □ Park □ Apron □ Asphalt
■ Building ■ Field ■ Grass ■ Sidewalk ■ Parcel ■ Water ■ Lawn

Scale: 0 0.035 0.07 0.07 m



LEGEND:
 [Hatched Box] 8.03 W. DEDICATION (0.23 ACRES)

DENSITY CODE	AREA AC	LOTS
0-1K	1.00	1
10-14K	1.00	1
15-19K	1.00	1
20-24K	1.00	1
25+K	1.00	1
TOTAL	5.03 AC	5

CONCRETE REQUIREMENTS
 150 MM ROAD FRONTAGE
 50' FRONT
 20' REAR

THIS DOCUMENT IS INCOMPLETE
 AND IS RELEASED UNLESS
 OTHERWISE NOTED. THE
 INFORMATION CONTAINED
 HEREIN IS FOR INFORMATIONAL
 PURPOSES ONLY. THE
 DESIGNER ASSUMES NO
 LIABILITY FOR ANY
 ERRORS OR OMISSIONS.
 PAUL S. BERG, P.E.
 SERIAL NO. 200002
 DATE: 11/01/2012

STACEY MILLER INTERLAKEN ROAD	
CONCEPT PLANS#3	
DESIGNED BY: PDB	DATE: 11/01/2012
DRAWN BY: DAA	REV: 3

