MIDVALE CITY COUNCIL MEETING
AGENDA
February 6, 2018

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 6th day of February 2018 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:30 PM
INFORMATIONAL ITEMS

I. DEPARTMENT REPORTS

II. CITY MANAGER BUSINESS

7:00 PM
REGULAR MEETING

III. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL
C. Award Presentation – for Unified Fire Authority Board Member Paul Glover [Chief Petersen]
D. UDOT Update – Southbound I-15 and 7200 South Construction Project [Lisa Zundel]

IV. PUBLIC COMMENTS
Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

V. COUNCIL REPORTS
A. Councilmember Paul Hunt
B. Councilmember Dustin Gettel
C. Councilmember Paul Glover
D. Councilmember Quinn Sperry
VI. MAYOR REPORT
A. Mayor Robert M. Hale

VII. PUBLIC HEARINGS
A. Consider Olson Amended Preliminary Subdivision Plat located at 7054-7088 South 300 East [Alex Murphy, Associate Planner]

ACTION: Consider approval of Olson Amended Preliminary Subdivision Plat for an 8-Lot Subdivision located at 7054-7088 South 300 East

B. Consider a Rezone of 139 East 8000 South and 141 East 8000 South from Transit Oriented Development (TOD) and Single Family Residential with Agricultural Overlay to Multifamily Residential-Medium Density Zone (RM12) [Alex Murphy, Associate Planner]

ACTION: Consider Ordinance No. 2018-O-02 Rezoning 139 East 8000 South and 141 East 8000 South from Transit Oriented Development (TOD) and Single Family Multifamily Residential with Agricultural Overlay to Multifamily Residential-Medium Density Zone (RM12)

C. Consider Jordan Bluffs Subdivision 1st Amendment; 3-Lot Subdivision for 40-acre Parcel; approximately 877 West 7800 South/8150 South 700 West; Wasatch Residential Group (Applicant) [Lesley Burns, City Planner]

ACTION: Consider Approval of Jordan Bluffs Subdivision 1st Amendment; 3-Lot Subdivision for 40-Acre Parcel; Approximately 877 West 7800 South/8150 South 700 West; Wasatch Residential Group (Applicant)

D. Consider Union Manor Subdivision; 3-Lot Residential Subdivision; 985-987 East 7240 South and 7270 South 1035 East (Rear Property); Meyers Enterprises Inc. (Applicant) [Lesley Burns, City Planner]

ACTION: Consider Approval of Union Manor Subdivision; 3-Lot Residential Subdivision; 985-987 East 7240 South and 7270 South 1035 East (Rear Property); Meyers Enterprises Inc. (Applicant)

VIII. CONSENT AGENDA
A. Set Date and Time [February 20, 2018 at 7:00 p.m.] for a public hearing to consider amendments to the FY2018 General Fund and other funds as necessary [Laurie Harvey, Assistant City Manager/Admin. Services Director]

B. Consider Minutes of January 16, 2018 [Rori Andreason, H.R. Director/City Recorder]
IX. **ACTION ITEM**
   A. Consider Resolution No. 2018-R-07 Confirming the Reappointment of Colleen Costello to serve as a Full Time Member of the Planning Commission [Mayor Robert Hale]

X. **DISCUSSION ITEM**
   A. Discuss the Center Street Pedestrian Study and City-Wide Pedestrian Safety [Phillip Hill, Asst. City Manager/Community Development Director]

XI. **ADJOURN**

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working day notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City’s website at www.midvalecity.org and the State Public Notice Website at http://pmn.utah.gov. Council Members may participate in the meeting via electronic communications. Council Members’ participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

**PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING**

**DATE POSTED:**
**FEBRUARY 2, 2018**

**RORI L. ANDREASON, MMC**
**H.R. DIRECTOR/CITY RECORDER**
SUBJECT:

Public Hearing and Preliminary Subdivision Plat Approval for 8-Lot Olson Amended Subdivision located at 7054-7088 South 300 East

SUBMITTED BY:

Alex Murphy, Associate Planner

SUMMARY:

The proposed Olson Amended Subdivision plat consists of eight (8) proposed lots on a total of 0.87 acres located north of 7200 South on 300 East and is being submitted by Jill Kinder, owner of the property, as part of an overall proposal for four twin-home structures with one unit on each lot. The Planning Commission granted approval of the proposed twin-homes, subject to the City Council approving the subdivision plat.

The proposed subdivision plat has been reviewed and approved by the City Engineer and Fire Marshal. As a large subdivision request (more than 3 lots), this request is subject to and complies with the requirements of the Single Family Residential zone with Duplex Overlay (SF-1/DO) and the subdivision ordinance (Title 16), subject to the recommended conditions below.

All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council with public hearings held before each body. The Planning Commission conducted a public hearing on this subdivision plat on January 10, 2018. Based on compliance with the City’s zoning and subdivision requirements, the Planning Commission forwarded a positive recommendation to the City Council to approve the preliminary subdivision plat for the Olson Amended Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, and City Council.
2. A minimum of four (4) additional street trees are required to be planted along 300 East. There shall be a note added to the plat requiring the trees to be planted prior to issuance of certificates of occupancy.
3. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
4. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia, and CenturyLink regarding the utility easements on the subdivision plat prior to final approval.
5. All new development on the flag lots shall comply with the flag lot requirements, i.e. setbacks, height (single story), parking, and 20-foot wide paved driveway. A note indicating these requirements shall be included on the final subdivision plat.
6. The flag lot driveway shall remain clear of overhanging vegetation and no parking signs posted. A note stating this shall be included on the final subdivision plat.
7. A minimum six-foot high screening fence shall be constructed and maintained around the exterior of the property. This fence shall be completed prior to certificates of occupancy being issued on the lots. A note indicating this requirement shall be included on the final subdivision plat. The owner will also work with the neighboring property in replacing or enhancing the existing fences or working with them, as needed.

8. The existing structures on the property will need to be demolished prior to the subdivision plat being recorded.

Upon City Council approval of the preliminary plat, the applicant will be required to prepare a final plat accurately reflecting any conditions of approval imposed by the City Council. The subdivision shall not be considered approved until final action by the City Council on the final plat at a future date.

**FISCAL IMPACT:** N/A

**STAFF RECOMMENDATION:**

Staff agrees with the Planning Commission’s recommendation of approval with an additional note being included on the final subdivision plat putting future property owners and developers on notice that these lots are being created to construct four twin home structures and not detached single family dwellings.

**RECOMMENDED MOTION – APPROVAL:**

"Based on demonstrated compliance with the requirements of Chapter 17-7-1, Single Family Residential zone with Duplex Overlay and Title 16, Subdivisions, I move that we approve the preliminary subdivision plat for the Olson Amended Subdivision with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, and City Council.
2. A minimum of four (4) additional street trees are required to be planted along 300 East (one tree on each lot). There shall be a note added to the final subdivision plat requiring the trees to be planted prior to the issuance of certificates of occupancy for units on the lots.
3. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
4. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia, and CenturyLink regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.
5. All new development on the flag lots shall comply with the flag lot requirements, i.e. setbacks, height (single story), parking, and 20-foot wide paved driveway. A note indicating these requirements shall be included on the final subdivision plat.
6. The flag lot driveway shall remain clear of overhanging vegetation and be posted with “No Parking” signs. A note to this effect shall be included on the final subdivision plat.
7. A minimum six-foot high screening fence shall be constructed and maintained around the exterior of the project. This fence shall be completed prior to certificates of occupancy being issued on the lots. A note indicating this requirement shall be included on the final subdivision plat. The owner will also work with the neighboring property in replacing or enhancing the existing fences or working with them, as needs be.
8. The existing structures on the property shall be demolished prior to the subdivision plat being recorded."
9. A note shall be added to the subdivision plat indicating that two-unit residential structures with a common wall are required to be constructed along the center lines of Lots 1 & 2, 3 & 4, 5 & 6, and 7 & 8 unless the subdivision plat is officially amended.”

ALTERNATE MOTION – TABLE DECISION:

“I move that we table a decision on the proposed preliminary subdivision plat to address the following questions/comments:

1. ...
2. ...

ATTACHMENTS:

- Vicinity Map
- Preliminary Subdivision Plat
- Approved twin home elevations
OLSON SUBDIVISION AMENDED
LOCATED IN THE NORTHWEST QUARTER CORNER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN

I, DAVID B. DRAPER DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 6861599, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE RIGHT OF WAY LINE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS:

LOT LINE
SUBDIVISION BOUNDARY/ LOT CORNER,
COPPER PLUG OR REBAR & CAP OR NAIL & WASHER STAMPED "MCNEIL ENGR"

BEGINNING AT A POINT ON THE EAST RIGHT OF WAY LINE OF 300 EAST STREET, SAID POINT BEING THE NORTHEAST CORNER OF SAID OLSON SUBDIVISION, SAID POINT BEING SOUTH 0°06'08" WEST ALONG THE MONUMENT LINE OF SAID 300 EAST STREET 313.36 FEET AND NORTH 89°53'52" WEST 33.00 FEET FROM THE NORTH QUARTER CORNER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE SOUTH 0°06'08" WEST ALONG THE WEST LINE OF SAID OLSON SUBDIVISION AND SAID WEST RIGHT OF WAY LINE 209.00 FEET TO THE SOUTHEAST CORNER OF SAID OLSON SUBDIVISION; THENCE NORTH 89°39'00" WEST ALONG THE SOUTH LINE OF SAID OLSON SUBDIVISION 184.66 FEET (183.15 FEET BY RECORDED PLAT) TO THE SOUTHWEST CORNER OF SAID OLSON SUBDIVISION, SAID POINT ALSO BEING ON THE EAST LINE OF GOLDEN ACRES NO. 8 SUBDIVISION, AS RECORDED IN BOOK EE OF PLATS AT PAGE 87 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER AND THE SOUTHERLY EXTENSION OF GOLDEN ACRES NO. 7, AS RECORDED IN BOOK EE OF PLATS AT PAGE 34 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID ( ) DENOTES RECORD INFORMATION.

THE PERIMETERS OF ALL LOTS, EXCEPTING THE 300 EAST FRONTAGE OF LOTS 2 & 3, ARE TO BE GRADED SUCH THAT ALL SURFACE WATER WILL DRAIN AWAY FROM THE PROPERTY LINE INTO DETENTION BASINS, DRAINAGE SWALES OR CURB & GUTTERS AS THE CASE MAY BE.

KNOW ALL MEN BY THESE PRESENTS THAT ________, THE ______ UNDERSIGNED OWNER(    ) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS TO BE HEREAFTER KNOWN AS THE:

OLSON SUBDIVISION AMENDED

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC, ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. IN WITNESS WHEREBY ________ HAVE HEREUNTO SET ________________________ THIS _________________ DAY OF _____________________ A.D., 20____.

STATE OF UTAH COUNTY OF SALT LAKE
ON THE __________ DAY OF _______________ A.D., 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF SALT LAKE IN SAID STATE OF UTAH, THE SIGNER(    ) OF THE ABOVE OWNER'S DEDICATION, ______ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT ________ SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: __________________________ __________________________________________

NOTARY PUBLIC
RESIDING IN SALT LAKE COUNTY

OLSON SUBDIVISION AMENDED

LOCATED IN THE NORTHWEST QUARTER CORNER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN.

OWNER:JILL KINDER
6325 HAVEN OAKS PLACE
MIDVALE, UTAH 84121
EMAIL: jillkinder@gmail.com

APPROVED THIS _________________ DAY OF _____________________ A.D., 20____,
PRESENTED TO THE MAYOR AND MIDVALE COUNCIL THIS _________________ DAY OF _____________________ A.D., 20____, AS APPROPRIATE, BY THE MIDVALE PLANNING COMMISSION. IN ACCORDANCE WITH CURRENT ENGINEERING AND SURVEYING STANDARDS AND WITH
INFORMATION ON FILE IN THIS OFFICE.

APPROVAL AS TO FORM
SALT LAKE COUNTY RECORDER
MIDVALE ENGINEER'S CERTIFICATE
MIDVALE CITY APPROVAL

DATE: _________________________________ TIME: ____________________________ BOOK: __________________________ PAGE: _________________________

SIGNED                                                                                                                 DATE

MIDVALE COMMISSION CHAIRMAN
MIDVALE CITY ENGINEER                                                                                  DATE

ATTEST: CITY RECORDER
OLSON TWINHOMES
7080 SOUTH 300 EAST
MIDVALE, UTAH 84047

REFER TO SHEET A3.0 FOR EXTERIOR MATERIAL LABELING & COLOR SAMPLES

REAR ELEVATION

EXTERIOR ELEVATIONS

A3.1
OLSON TWINHOMES
7080 SOUTH 300 EAST
MIDVALE, UTAH 84047

PERSPECTIVES
OLSON RAMBLER TWIN
7080 SOUTH 300 EAST
MIDVALE, UTAH 84047

FILE: D:/JIM/jDA/MidvaleTown
DATE: DECEMBER 15, 2017

T.O. MAIN LEVEL
ELEV. 100'
T.O. PLATE
ELEV. 108'

ALUMINUM GARAGE DOOR SYSTEMS
CULTURED STONE VENEER
ARCHITECTURAL ASPHALT SHINGLES
STUCCO FINISH SYSTEM
ALUMINUM WRAPPED FASCIA & SOFFIT
VINYL WINDOW SYSTEMS
HORIZONTAL SIDING

FRONT ELEVATION

T.O. GARAGE
ELEV. 99'-6"
ELEV. 100'
MAIN FLR.
ELEV. 108'
T.O. PLATE
ELEV. 108'

LEFT SIDE ELEVATION

BOARD & BATTEN SIDING

EXTERIOR ELEVATIONS

T.O. MAIN LEVEL
ELEV. 100'
T.O. PLATE
ELEV. 108'

ARCHITECT
CONSULTANT
DRAWN:                   JBD
REVISIONS

ARCHITECTURE
(66$/7/$.(&,7<87

SK

STOL

D  A  R  L  I  N  G

A R C H I T E C T U R E

3434 E 7800 S, ASH
SALT LAKE CITY, UT 84121
(801) 450-2080

EXTERIOR ELEVATIONS

A3.0
REFER TO SHEET A3.0 FOR EXTERIOR MATERIAL LABELING & COLOR SAMPLES
SUBJECT:

Public Hearing on request to rezone property located at 139 East 8000 South from Transit Oriented Development (TOD) Zone to Multifamily Residential – Medium Density (RM-12) Zone and to rezone property located at 141 East 8000 South from Single Family Residential with Agricultural Overlay (SF-1/AO) Zone to Multifamily Residential – Medium Density (RM-12) Zone. (Proposed Ord. No. 2018-O-02)

SUBMITTED BY:

Alex Murphy, Associate Planner

SUMMARY:

The applicant, Boyd Brown on behalf of Chen Ping Chung and BBSold, is requesting approval of a rezone request for property located at 139 E 8000 S and 141 E 8000 S from Transit Oriented Development (TOD) and Single Family Residential w/ Agricultural Overlay (SF-1/AO), respectively, to Multifamily Residential – Medium Density (RM-12) for the purpose of coordinating development of a townhome project across both properties. A concept plan for the townhome project has been included, but is not up for review at this time. Provided the rezone is approved, it is the applicant’s intent to submit the required development applications for a development project at a later date.

Boyd Brown previously requested a rezone of the property located at 141 E 8000 S from SF-1/AO to TOD. In response to concerns raised by the Planning Commission and nearby property owners, Mr. Brown withdrew the TOD rezone request and submitted the new proposal for both lots to be rezoned to RM-12 instead.

GENERAL PLAN CONSIDERATIONS:

The 2016 Midvale City General Plan locates the subject properties in a Stability Area, near the border of the Middle State Street and South State Street Opportunity Areas. The proposal to rezone the subject properties from SF-1/AO and TOD to RM-12 is generally supported by the General Plan because it allows for redevelopment in a manner consistent with the surrounding neighborhood and satisfies the land use goals for Stability Areas in general.

The General Plan states that:

“In Stability Areas, the current overall land use mix is desirable and preservation of these areas’ character and function is the desired future condition. These areas are nearly fully developed and have little foreseeable change in the types or intensity of land uses in the future.

In Opportunity Areas, minor-to-major changes in current land uses are likely to occur due to market forces, increasing land values, and opportunities to optimize land uses to take advantage
of transit and other public investments. Projects in Opportunity Areas are anticipated to be at higher levels of density than current land uses and should be carefully planned and designed to integrate into the fabric of the area and minimize impacts on adjacent and nearby existing land uses.”

The subject property is in a neighborhood that has been transitioning from single family detached residential on narrow and deep lots to medium density residential uses in the form of single-family attached and duplex style development over the last two decades. To the east of this property is a multifamily complex of duplexes, owned by Kenneth and Tamara Lloyd, and to the west are multiple properties containing single family attached dwellings, Auburn Townhomes and Creekside Townhomes. To the northwest is an apartment complex, Candlestick Apartments, and to the south are additional single-family attached dwellings in the Station Place Condominium project and a small property owned by Oviatt Properties LLC. A few single-family dwellings remain scattered throughout these projects. Rezoning the subject property to RM-12 would allow it to be redeveloped in a manner consistent with the surrounding overall land use mix.

Regarding future land use goals for the Stability Area and nearby Opportunity Areas, the General Plan states:

“The land use goals for Stability Areas include:

1. Support property maintenance and neighborhood stability.
2. Buffer uses in Stability Areas from more intensive land uses nearby, including adjacent Opportunity Areas.
3. Provide for better pedestrian/bicycle connections through and between neighborhoods.
4. Provide for access to parks, trails, and recreation facilities.
5. Provide for appropriate transit opportunities.
6. Provide mechanisms for appropriate home remodeling to occur to accommodate today’s lifestyles and needs.”

“The Middle State Street Opportunity Area is generally bounded by 7300 South on the north and approximately 7900 South on the south. The east-west extent of the Opportunity Area varies, but the boundary is intended to encompass properties that front on or have direct access to State Street, as well as incorporates the Center Street TRAX station. The area includes underutilized commercial uses facing State Street with limited parking.

The future land use goals for the Middle State Street Area include:

1. Support development of higher-value commercial and business uses through the development of mixed-use and higher density residential uses.
2. Develop a small area plan for the development near the TRAX station.
3. Support and encourage development to take advantage of transit and transportation opportunities.
4. Focus commercial and mixed-use development at the nodes of 7500 South and 7720/7800 South into mixed-use residential development.
5. Support redevelopment of the underutilized commercial properties between the commercial nodes into mixed-use residential development.
6. Explore the potential for unifying urban-design elements and beautification of the area.
7. Employ design elements to buffer the effects of higher intensity uses in the core areas on adjacent existing residential uses.
8. Strengthen pedestrian connections to the Center Street TRAX station.
The South State Street Opportunity Area is generally bounded by 7900 South on the north, southern City boundary on the south, and the TRAX line on the east. The west extent of the Opportunity Area varies, but the boundary is intended encompass properties that either front on or have direct access to State Street. The area includes existing industrial uses on the east side of State Street; stacked condos/townhomes at approximately 8250 South State Street; and used car lots on the west side of State Street.

Future land use goals for the South State Street Area include:

1. Support development of higher-value commercial and business uses through the development of mixed-use and higher density residential uses.
2. Make the 8000 South State Street intersection a commercial node.
4. Explore the potential for unifying urban-design elements and beautification of the area.
5. Strengthen pedestrian connections along State Street to the Center Street TRAX station access on State Street just north of 8000 South.
6. Enhance pedestrian connections east/west across State Street.
7. Employ design elements to buffer the effects of higher intensity uses in the core areas on adjacent existing residential uses.”

The subject properties clearly fall outside the boundaries of the Middle and South State Street Opportunity Areas. However, due to their general proximity to the eastern boundary of both Opportunity Areas, supporting redevelopment to strengthen the buffer between the higher density residential and commercial uses, both existing and expected, in the Opportunity Areas to the north and west and the lower density residential uses further to the south and east is consistent with Stability Area Goal #2. The remaining goals for Stability Areas do not apply to the proposed rezone, as no project is under consideration at this time.

ORDINANCE CONSIDERATIONS:

The City Council may only approve a rezone application if it determines, in written findings, that the proposed rezoning is consistent with the policies and goals of the general plan and that the applicant has demonstrated the following:

1. The proposed rezoning is necessary either to comply with the general plan proposed land use map or to provide land for a community need that was not anticipated at the time of adoption of the general plan;
2. The existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage; or
3. The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

The discussion above in the General Plan Considerations section addresses how the proposed rezoning is consistent with the 2016 Midvale City General Plan.

Further, the surrounding environs have changed and continue to change such that rezoning from SF-1/AO and TOD to RM-12 will make the zoning designation consistent with nearby properties, encourage redevelopment of underutilized lots, and response to neighborhood concerns regarding the intrusion of
commercial uses. As mentioned previously, multiple projects with densities higher than allowed by the SF-1/AO zone have been constructed in the neighborhood surrounding the subject property. Adjacent zoning designations include TOD to the west and RM-12 to the east. The SF-1/AO zone would remain on property to the south, although several lots under this zoning designation appear to be nonconforming.

Redevelopment of 139 E to a multifamily or single family attached style project is possible under the current zone. However, the applicant wishes to develop the lot in conjunction with 141 E. Redevelopment of this lot would not be possible under the SF-1/AO zone currently assigned due to zone limitations and the property shape (narrow and deep). Rezoning both properties to RM-12 allows them to be redeveloped in tandem and in a manner consistent with newer development patterns along 8000 S between the TRAX line and eastern City boundary.

PLANNING COMMISSION RECOMMENDATION:

Section 17-3-1 of the Midvale City Municipal Code requires the Planning Commission hold a public hearing and adopt a written recommendation to the City Council, advising the City Council to approval, disapprove, or modify a request on all zoning map amendments.

The Planning Commission reviewed this rezone request and conducted a public hearing on January 10, 2018. The Planning Commission reviewed the submitted information and public comment before making a decision to recommend approval of the rezone request with the following motion:

“Based on the following findings, I move that we forward a recommendation to the Midvale City Council to approve the rezoning of 139 East and 141 East 8000 South to the Multifamily Residential – Medium Density (RM-12) zone:

1. The proposed rezoning is consistent with the goals of the 2016 Midvale City General Plan; and
2. The land and its surrounding environs have changed to such a degree that it is in the public interest to recognize the changed character of the area and encourage redevelopment of the area.”

FISCAL IMPACT: N/A

STAFF RECOMMENDATION:

Staff agrees with the Planning Commission’s recommendation and recommends the requested rezone be approved through adoption of Ordinance No. 2018-O-02.

RECOMMENDED MOTION – APPROVAL:

“Based on the following findings, I move that we adopt Ordinance No. 2018-O-02, rezoning 139 East and 141 East 8000 South from TOD and SF-1/AO, respectively, to RM-12:

1. The proposed rezoning is consistent with the goals of the 2016 Midvale City General Plan; and
2. The land and its surrounding environs have changed to such a degree that it is in the public interest to recognize the changed nature of the area and encourage redevelopment of the area.”
ALTERNATE MOTION – TABLE DECISION:

“I move that we table decision on the proposed rezone to address the following questions/comments:

1. ...
2. ...
”

ALTERNATE MOTION – DENY:

“I move that we deny the proposed rezone for the following reasons:

1. ...
2. ...
”

ATTACHMENTS:

• Vicinity Map
• Zoning Map
• Concept Plan
• Proposed Ordinance No. 2018-O-02
ORDINANCE NO. 2018-O-02

AN ORDINANCE REZONING APPROXIMATELY 1.00 ACRE OF PROPERTY LOCATED AT 139 EAST 8000 SOUTH FROM TRANSIT ORIENTED DEVELOPMENT (TOD) TO MULTIFAMILY RESIDENTIAL – MEDIUM DENSITY (RM-12) AND REZONING APPROXIMATELY 0.47 ACRES OF PROPERTY LOCATED AT 141 EAST 8000 SOUTH FROM SINGLE FAMILY RESIDENTIAL WITH AGRICULTURAL OVERLAY (SF-1/AO) TO MULTIFAMILY RESIDENTIAL – MEDIUM DENSITY (RM-12); ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah Code, the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land; and

WHEREAS, a request has been made for a change of zoning on the property described in Exhibit A; and

WHEREAS, the Planning Commission held a public hearing on January 10, 2018, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on December 27, 2017, to review the request for rezone, and, after considering all of the information received, made a recommendation thereon to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on February 6, 2018, which meeting was preceded by notice by publication in the Salt Lake Tribune and Deseret News, on January 23, 2018; and

WHEREAS, after taking into consideration citizen testimony, planning and demographic data, the desires of the owners of the property, and the Planning Commission’s recommendation as part of its deliberations, the City Council determined the rezoning of said property is appropriate, is consistent with the Midvale City General Plan, promotes the health and general welfare of the City, is compatible with the surrounding neighborhood, and fulfills the needs of the City as a whole.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The zoning ordinance which sets forth the zone districts within Midvale City which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The properties (Parcel No’s. 22-31-105-011; and 22-31-105-009) described in Exhibit A attached hereto and by this reference made a part hereof, which properties are located at 139 East and 141 East 8000 South, Midvale, Utah, and are currently zoned Transit Oriented Development
(TOD) and Single Family Residential with Agricultural Overlay (SF-1/AO), respectively, shall be zoned Residential Multifamily – Medium Density (RM-12).

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

Transit Oriented Development (TOD) and Single Family Residential with Agricultural Overlay (SF-1/AO)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

Residential Multifamily – Medium Density (RM-12)

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this ____ day of ______________, 2018.

________________________________________
Robert Hale, Mayor

ATTEST:

__________________________
Rori Andreason, MMC
City Recorder

Date of first publication: _____________

Voting by City Council

<table>
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<th></th>
<th>“Aye”</th>
<th>“Nay”</th>
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REZONE APPROXIMATELY 1.00 ACRES OF PROPERTY LOCATED AT 139 EAST 8000 SOUTH FROM TRANSIT ORIENTED DEVELOPMENT (TOD) TO MULTIFAMILY RESIDENTIAL – MEDIUM DENSITY (RM-12) AND REZONE APPROXIMATELY 0.47 ACRES OF PROPERTY LOCATED AT 141 EAST 8000 SOUTH FROM SINGLE FAMILY RESIDENTIAL WITH AGRICULTURAL OVERLAY (SF-1/AO) TO MULTIFAMILY RESIDENTIAL – MEDIUM DENSITY (RM-12):

Legal Descriptions
Parcel # 22-31-105-011
BEG S 89^52'50" E 157.37 FT & S 0^21'25" W 1354.28 FT & N 89^51'54" E 857.60 FT & N 25 FT & N 89^51'54" E 133.14 FT FRNW COR SEC 31, T 2S, R 1E, SLM; N 89^51' 54" E 132 FT; N 2^56'06" W 334.19 FT; W 110.64 FT; S 31^32'40" W 37.71 FT; S2^56'06" E 302.32 FT TO BEG. 1.00 AC M OR L.

Parcel # 22-31-105-009
BEG 77.6 RDS N & 79.3 RDS W FR CEN SEC 31 T 2S R 1E SL MER W60.85 FT M OR L N 2^48' W 343.2 FT E 60.85 FT M OR L S 2^45'E 20.8 RDS TO BEG. 0.47 AC
SUBJECT:

Public Hearing on Jordan Bluffs Subdivision 1st Amendment, a 3-Lot Subdivision of 40-Acre Lot 1 of the Jordan Bluffs Subdivision and located at approximately 877 West 7800 South/8150 South 700 West

SUBMITTED BY:

Lesley Burns, City Planner

SUMMARY:

Wasatch Residential Group is requesting approval of a subdivision plat to divide Lot 1 of the Jordan Bluffs Subdivision into three lots to facilitate future development proposals under a Large Scale Master Plan. Lot 1 includes the 40 acres encompassing Subarea 4 of the Jordan Bluffs Zone and is anticipated to be residential development. It includes existing frontage on 7800 South, Holden Street and 700 West, and will have frontage on the extension of Ivy Drive on the south and Bingham Junction Boulevard on the west as part of the overall Jordan Bluffs development. The proposed three lot subdivision plat reflects the Subarea 4 divisions included in the Jordan Bluffs Subarea 4 Residential Development Ordinance adopted in November 2017. The proposed plat includes the dedication of the 60-foot public right-of-way for a new interior road (Seghini Drive). It also includes the required public roadway dedication along 700 West to provide the area for the extension of the public curb, gutter and sidewalk along the property frontage.

This property is zoned Jordan Bluffs (JB). The JB Zone allows property to be divided in this manner and will require future review and approval of development applications before construction can occur on the property. The Planning Commission reviewed this request on January 10, 2018 and forwarded a positive recommendation to the City Council for approval of the subdivision plat with the following conditions:

1. The applicant shall reduce the width of the public right-of-way for Seghini Drive from 70 feet to 60 feet.
2. The applicant shall have a final subdivision plat prepared. This plat shall be reviewed and approved by the City Engineer and City Council. This plat shall address the City Engineer’s preliminary plat comments.
3. The applicant shall obtain duty to serve letters for water and sewer, and provide evidence that a courtesy notice has been sent to Dominion Energy, Rocky
Mountain Power, Xfinity, Utopia and CenturyLink regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.

The applicant has prepared a final subdivision plat. This plat shows the correct right-of-way width for Seghini Drive and has been reviewed and approved by the City Engineer. The applicant has obtained a water and sewer letter and has notified the other utility companies. All conditions recommended by the Planning Commission and standards required by the JB Zone and Title 16 of the Midvale Municipal Code have been satisfied.

**FISCAL IMPACT:** N/A

**STAFF RECOMMENDATION:**

Staff recommends the City Council approves the final subdivision plat for the Jordan Bluffs Subdivision 1\textsuperscript{st} Amendment with the following condition:

- The applicant shall obtain all required signatures on the subdivision plat Mylar.

**RECOMMENDED MOTIONS:**

Option 1 - Approval

“I move that we approve the final subdivision plat for the Jordan Bluffs Subdivision 1\textsuperscript{st} Amendment with the following condition:

- The applicant shall obtain all required signatures on the subdivision plat Mylar.”

Option 2 – Table Decision

“I move that we table a decision on the proposed subdivision plat to address the following items:

1. . . .
2. . . .”

**Attachments:**

- Vicinity Map
- Jordan Bluffs Subarea 4 Divisions
- Final Subdivision Plat
Attachment A
Ordinance No. 2017-O-17

Figure 1
Subarea 4 Divisions
APPROVAL AS TO FORM
CITY COUNCIL APPROVAL

7870 SOUTH
AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND
(AMENDING LOT 1 OF JORDAN BLUFFS SUBDIVISION)
LOCATED IN THE NE & SE1/4 OF SECTION 35 & THE SE1/4 OF SECTION 26, T3S, R1W,
AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE
ROADWAY
MAIN STREET (700 WEST)
BASIS OF MEASURE: 2,641.25
S0°12'34"W
555.63
1546.58
NORTH 1/4 CORNER OF
557.06
BEGINNING
Spencer W. Llewelyn  Date
Certificate No. 10516507

=3°42'10"
21-35-277-015

CHORD DIRECTION
DELTA

N36°31'36"W
141.24
188.55
S52°45'08"ES68°22'11"E
8°11'45"

L1

140.77

S89°39'38"E
628.13
53°44'13"

L2

400.00

S36°31'36"E

L3


IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS ____________
DAY OF ____________________, A.D. 20____.  AT WHICH TIME THIS SUBDIVISION WAS
APPROVED AND ACCEPTED.

MIDVALE CITY ENGINEER
______________________________________________________
DATE MIDVALE CITY ENGINEER
______________________________________________________
DIRECTOR, SALT LAKE COUNTY BOARD OF HEALTH
______________________________________________________
DATE DIRECTOR, SALT LAKE COUNTY BOARD OF HEALTH
______________________________________________________
MIDVALE CITY MUNICIPAL ENGINEER
______________________________________________________
DATE MUNICIPAL ENGINEER
______________________________________________________
SALT LAKE COUNTY RECORDER
______________________________________________________
DATE SALT LAKE COUNTY RECORDER
______________________________________________________

LIMITED LIABILITY ACKNOWLEDGMENT

SK GORDAN DEVELOPMENTS, LLC
LIMITED LIABILITY COMPANY

LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH

ON THIS ____________ DAY OF ____________________, A.D., 20____, PERSONALLY APPLIED BEFORE
ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF SALT LAKE, STATE OF
UTAH, FOR THE DECLARATION OF LIMITED LIABILITY COMPANY FOR THE PURPOSE OF
EXECUTING THE UNDERSIGNED SIGNATURES OF THE SIGNERS TO THE LIMITED LIABILITY
COMPANY CONSTITUTION AND LIMITED LIABILITY COMPANY AMENDMENT(S) TO THE
LIMITED LIABILITY COMPANY CONSTITUTION(S) OF THE SIGNERS TO THE LIMITED LIABILITY
COMPANY CONSTITUTION(S) OF THE LIMITED LIABILITY COMPANY(S) TO WHICH THIS
DECLARATION OF LIMITED LIABILITY COMPANY CONSTITUTION(S) AND LIMITED LIABILITY
COMPANY AMENDMENT(S) TO THE LIMITED LIABILITY COMPANY CONSTITUTION(S) IS
ATTACHED.

I, THE UNDERSIGNED, AM NOTARY PUBLIC COMMISSIONED IN ________________
COUNTY, STATE OF UTAH, WHEREOF I HAVE HEREBY TO SET MY HANDS HEREIN.

_________________________, A.D., 20____
SIGNER(S) TO LIMITED LIABILITY COMPANY CONSTITUTION(S) AND LIMITED LIABILITY
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COMPANY CONSTITUTION(S)
SUBJECT:

Public Hearing on Union Manor Subdivision, a Flag Lot Subdivision (3 Residential Lots) located at 985-987 East 7240 South and the rear of 7270 South 1035 East

SUBMITTED BY:

Lesley Burns, City Planner

SUMMARY:

The applicant, Chris Meyers, is requesting a subdivision approval to reconfigure three existing parcels into a flag lot subdivision with one frontage lot and two flag lots with a shared driveway access. The two northern parcels are pre-existing lots with vacant single-family houses. The south parcel is landlocked. The applicant is proposing to reconfigure the existing property boundaries to create a shared 20-foot wide driveway to access the landlocked parcel and the northwest parcel, creating two flag lots. It is the intent of the applicant to demolish the existing houses and accessory structures and construct three residential structures in the future. The combined property includes approximately 0.69 acres (29,969 square feet) with 123 feet of frontage on 1035 East. This property is zoned Single Family Residential with a Duplex Overlay (SF-1 DO). The minimum lot size is 7,000 square feet. Under this zone, the lots could be developed as single-family houses or two-unit residential structures.

The Planning Commission conducted a public hearing and reviewed this request on August 23, 2017. Based on compliance with the zoning and subdivision requirements of the SF-1 zone district and the Duplex Overlay, the Planning Commission recommended approval of the proposed Union Manor Subdivision with the following conditions:

1. The applicant shall work with the City and irrigation company to determine the appropriate improvements needed, if any, for the irrigation ditch running along the south boundary of the proposed driveway for the flag lot. This determination shall be made prior to final subdivision plat approval.
2. The applicant shall work with Rocky Mountain Power to determine the improvements and reconfiguration needed for the overhead power lines and poles on the property to accommodate the new development. Approval of a plan from Rocky Mountain Power is required before final subdivision plat approval.
3. Duty to serve letters for water and sewer shall be obtained before final subdivision plat approval.
4. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council. The final subdivision plat shall include the following notes:
   • All new development on Lots 1 & 2 shall comply with the flag lot requirements, i.e. setbacks, height/single-story, parking, and 20-foot wide paved driveway.
   • The flag lot driveway shall remain clear of all vegetation, including overhanging branches, and no parking signs posted.
   • A minimum 6-foot high screening fence shall be constructed along the perimeter of Lots 1 & 2 where a screening fence does not currently exist. This fence shall be completed prior to certificates of occupancy being issued on these lots.
   • Three street trees are required on Lot 3. Required trees shall be planted prior to a certificate of occupancy being issued on this lot.
   • A shared access and maintenance easement shall be indicated and noted on the flag lot driveway area to ensure Lot 1 has legal access to 1035 East.
5. The applicant shall work with the Fire Marshal in the placement of a new fire hydrant to serve the subdivision.
6. The applicant shall provide evidence that a courtesy notice has been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia, and CenturyLink regarding the utility easements on the subdivision plat prior to final approval.

The applicant has prepared construction plans to address the improvements needed for the irrigation ditch. The construction plan includes power, water, sewer and storm drain utility improvements required for the three lots, as well as a new fire hydrant on 1035 East. This plan has been reviewed and approved by the applicable entities. The applicant has also prepared a final subdivision plat. This plat shows the notes recommended by the Planning Commission and provides for a shared driveway access between the owners of Lot 1 and Lot 2. The final subdivision plat has been reviewed and approved by the City Engineer. The applicant has obtained letters from Salt Lake City and Midvalley Improvement District indicating they can provide water and sewer service to the subdivision with the improvements being shown on the construction plans. The applicant has notified the other utility companies. All conditions recommended by the Planning Commission and standards required by the SF-1 DO Zone and Title 16 of the Midvale Municipal Code have been satisfied.

**FISCAL IMPACT:** N/A

**STAFF RECOMMENDATION:**

Staff recommends the City Council approves the final subdivision plat for the Union Manor Subdivision with the following conditions:

1. The applicant shall obtain all required signatures on the subdivision plat Mylar.
2. The applicant shall bond for the required public improvements prior to the subdivision plat being recorded.
3. An access and maintenance easement between Lot 1 and Lot 2 shall be recorded concurrently with the subdivision plat.

RECOMMENDED MOTIONS:

Option 1 - Approval

“I move that we approve the final subdivision plat for the Union Manor Subdivision with the following conditions:

1. The applicant shall obtain all required signatures on the subdivision plat Mylar.
2. The applicant shall bond for the required public improvements prior to the subdivision plat being recorded.
3. An access and maintenance easement between Lot 1 and Lot 2 shall be recorded concurrently with the subdivision plat.”

Option 2 – Table Decision

“I move that we table a decision on the proposed subdivision plat to address the following items:

1. . . .
2. . . .”

Attachments:

- Vicinity Map
- Zoning Map
- Final Subdivision Plat
Mayor Hale called the meeting to order at 6:33 p.m.

I. INFORMATIONAL ITEMS
   A. DEPARTMENT REPORTS
   Chief Randy Thomas reported on the statistics for the Midvale precinct for citations and the Trax UTA issues. He reminded the Council that he would be presenting an award to Angie Hunter for her service and her last month with UPD. He reported on the White City stabbing incident, and how well the officers responded to this. He reported on the statistics from the task force for overdose cases. He said they have had a car in Midvale that has been fleeing from police officers. Our detectives pulled a surveillance camera and attempted to locate the driver. They were able to locate the driver and were following the car today when the car met up with another vehicle which just happened to be involved with an aggravated robbery carjacking in Millcreek the night before. That car also had a shooter in it that was involved in a shooting in Magna just hours before. The shooting suspect was arrested in Tooele just a couple of hours ago. He discussed graffiti that was tagged over the weekend, and believes it is a tagger rather than a gang. On Friday, he will be conducting interviews for the DEU Unit position.

Councilmember Dustin Gettel asked if there were any updates on the pedestrian fatality on 8000 South. Chief Thomas said the driver was a 15-year old with a learner permit and a 16-year old in the front seat. The victim did not survive. Speed appears to be the main factor.
Councilmember Paul Glover asked about police protection at McDonalds. Chief Thomas said that it was a misunderstanding. The officers are in plain clothes rather than uniforms, and McDonalds thought that there was no police protection.

Chief Curtis Day reported on the firefighters that were sent to California to assist with the fires. He asked if residents would clear the snow around the fire hydrants if they have one in their yard. They need a clearance of three feet around the fire hydrant. He said Station 125 responded on 160 calls, and Station 126 responded on 120 calls. Many of the calls were flu based, seizure calls and multiple traffic accidents. They’ve had a number of assault calls and breathing problems. They also responded on five cardiac arrests.

Councilmember Paul Glover asked who pays for the firefighters to respond to California? Chief Day said they get reimbursed for the costs.

Laurie Harvey said the monthly financial report was sent out for December. She discussed issuing a water, sewer and storm water revenue bond for $6 - $7 million dollars for several projects including: replacing pipes under the roads that are planned for construction this spring; connecting the Jordan Valley Water Conservancy District pipes to the City’s retail area and purchasing meters for these connections. The JVWCD are not automated read meters. They are also looking at a tower meter read system. All City’s meters are radio read. With a tower read system, it would enable us to see the data from the meters at all time. Residents would be able to view their usage at any time. The biggest benefit would be that we are getting reads constantly from all meters. Because these would be water, sewer, and storm water revenue bonds, additional projects could be included such as any sewer projects that were identified in the sewer master plan that were completed and a $1.5 million dollar investment, which is in order for South Valley Water Reclamation Facility dealing with grit and phosphorus removal. She said they looked at issuing these bonds through Midvale City, South Valley Water Reclamation, or West Jordan. They determined that Midvale City would be the best option.

Phillip Hill reported that the Center Street study has been received from the consulting engineers. This item will be discussed on the 6th of February. Also, the grant came in from UTA, which will also be discussed on February 6th.

Councilmember Paul Hunt asked how long it will take to complete the sewer and water connections on the project by the Trax station. The traffic is really getting backed up there. He asked to put a little pressure on them.

Phillip Hill said he would check with them on their schedule and get back to the Council.

Councilmember Dustin Gettel asked if there were any temporary solutions for the crosswalks on Center Street.

Phillip Hill said a couple of them just need to be restriped and some signage, which can be done quickly.
Councilmember Bryant Brown said he has not had any complaints with any of the construction workers parking in their neighborhood.

Matt Dahl introduced Patrick O’Brien, new RDA Housing Project Manager. He comes with most of his work experience in local government in Ireland and England. He expressed his excitement to have him onboard.

Larry Wright introduced Dan Schuler, Streets/Storm Drain Superintendent. He comes with 28 years’ experience in Clearfield City.

Councilmember Quinn Sperry said he sent an email to Larry about a water leak and a street light that needs to be fixed. The water leak is in the Jordan Valley Water Conservancy District, but it hasn’t been fixed yet.

Rori Andreason reminded the Council about Local Officials Day on January 24th.

Lisa Garner said Rich Bush is here and would like to make comments during that action item regarding the wireless communications ordinance. She also discussed proposed legislation regarding wireless communications.

II. CITY MANAGER’S REPORT
Kane Loader reported on a meeting he attended with the Utah League of Cities and Towns regarding proposed legislation. A couple of the issues were a tax overhaul and the growth issue with the affordable housing component. Recently staff went out to the Jordan Bluffs project with the developer and would like to take the Council out there to look at the site. He suggested taking a tour prior to the next workshop which is February 13th.

III. GENERAL BUSINESS
A. Welcome and Pledge of Allegiance led by Porter Peck, Scout

B. Roll Call – Council Members Paul Hunt, Quinn Sperry, Dustin Gettel, Bryant Brown, and Paul Glover were present at roll call.

C. Recognize 100-Year-old residents of Midvale City, Enedina Stubbs & Olive Gammel
Mayor Robert Hale recognized and presented Dena Stubbs with a certificate of appreciation for obtaining her centenarian status. He also presented the same certificate of appreciation to the son of Olive Gammel who was unable to attend the meeting. Kane Loader said a luncheon will be held every year recognizing the centenarians of Midvale City.

D. Update on Upcoming Legislative Session
Representative Bruce Cutler said he has three house bills at the legislature this year. He reported that the tax reform is a key issue. Separations of Power is another big issue. The executive branch
and the legislative branch and the divisions between the two need to be defined as well as the Attorney General’s office. There is talk of reimbursing the rainy-day fund to get it to where it needs to be. He is concerned with UTA governance particularly the waste in the technology arena. The number one bill for him is the single sign on business portal for the state of Utah including municipalities. He is proposing an increase of $5 of the business license renewal fee for the for-profit businesses. Utah is one of the few states in the nation that has no state sponsored early childhood education program. He would like to pass a law to be tobacco free as well as an Innovation bill to provide a fund for the technology services to come up with ideas for significant improvements.

Councilmember Bryant Brown asked about the kindergarten situation on the class size. Representative Cutler said that is always an issue.

Councilmember Dustin Gettel asked if he anticipates in this session any discussion on medical cannabis. Representative Cutler said his gut feeling was there probably would be.

Councilmember Paul Hunt thanked Representative Cutler for his representation for Midvale City on Capitol Hill and all of his hard work.

IV. PUBLIC COMMENTS – There was no one present who desired to speak.

V. COUNCIL REPORTS
   A. Councilmember Paul Hunt – said the Planning Commission has organized themselves for this year to retain the leadership they currently have. It is a well-organized commission, and they go through a lot of detail and workout a lot of the land use and zoning. He said he appreciates their work.

   B. Councilmember Dustin Gettel – said on January 3rd the Midvale Community Council held their re-organizational meeting and elected new officers. Andrew Stoddard is the new Chair, Sophia Hawes-Tingey is the vice-chair, Jodi Smith, Secretary and Susan Hale was sworn in as a Board member. They are in the process or reorganizing. They do have a Midvale Community Council Facebook page. He discussed an article in the paper regarding Midvale as the shining example of what a superfund site can become. He discussed another article about the businesses in the Bingham Junction area. Top Golf has brought more than 500,000 people through their doors last year. The State annual PCN Health Insurance enrollment starts Feb 1st and goes through the 28th. It has income and eligibility requirements. For more information, you can visit the website at: health.utah.gov/pcn.

   C. Councilmember Paul Glover – said he had his Christmas party for his business at Top Golf and it was very nice. He said the mosquitoes are not out yet.

   D. Councilmember Quinn Sperry – discussed a meeting he attended at the capitol today involving community associations. One of the issues that came up was community associations disasters and clean-up. If the municipality goes on any of the community associations
property for road clean up, FEMA considers those areas private and will not reimburse for this unless the City has some type of contract with them or a City ordinance. It would be a good idea to adopt an ordinance for this.

E. Councilmember Bryant Brown – said he met with the Arts Council. Stephanie Johnson was added to the Board. For Harvest Days, they have Bellamy Brothers but would like to know if the City would commit to an opening act. Kane Loader said his plan was to start harvest days meetings next month. A religious organization reached out to the building maintenance person for the Arts Council and asked to use the building on every Sunday. He said the Midvale Elementary School, which is in his district, received a failing grade on a state grading system that came out last month. He mentioned it to the school district and received feedback from the school district board and staff members. He feels that the problem is not from the actual staff, but the class sizes.

VI. MAYOR REPORT
Mayor Robert M. Hale – said he attended the Republican Caucus training meeting on the 10th. He was given 3-5 minutes to welcome everyone. He was at the CHG building which received an architectural award. He said he took the time to welcome them all to Midvale and mentioned that 10 years ago that area was covered with pollution. He also mentioned the homeless shelter and the need to assist the City with that issue. He asked the representatives to remember this as they are allocating funding to the family homeless shelters. He also met with UFA Fire and UFA Service District. They are concerned with legislation regarding fireworks, the retirement program for public service employees, the state procurement, and ambulance service.

MOTION: Councilmember Paul Glover MOVED to open a public hearing. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Hale called for discussion on the motion. There being none then he called for a vote. The motion passed unanimously.

VII. PUBLIC HEARINGS
A. CONSIDER A 2-LOT SUBDIVISION REQUEST FROM INTELLECTUAL INTEREST LLC LOCATED AT 7860 SOUTH HOLDEN STREET
Alex Murphy stated the request is for a 2-lot subdivision located at 7860 South Holden Street. The applicant is working with the property owner to divide the back portion of the lot for eventual development. The proposal complies with the requirements. There are a couple of minor changes that need to be addressed with the fencing. The applicant said they will take care of this. The Planning Commission recommended a couple of conditions. One being the fencing and to plant the required street trees. The utilities companies also need to be notified.

Mayor Hale opened the public hearing to public comment.

Mike Watson said he is the applicant on this project. He said he would like to receive approval on the project. He is happy to meet all the requirements.
MOTION: Councilmember Paul Glover MOVED to close into a public hearing. The motion was SECONDED by Councilmember Dustin Gettel. Mayor Hale called for discussion on the motion. There being none then he called for a vote. The motion passed unanimously.

ACTION: CONSIDER APPROVAL OF A 2-LOT SUBDIVISION REQUEST FROM INTELLECTUAL INTEREST LLC LOCATED AT 7860 SOUTH HOLDEN STREET

MOTION: Councilmember Dustin Gettel MOVED that based on demonstrated compliance with the requirements of chapter 17-7-4, RM-25 with Duplex Overlay and Title 16, Subdivisions, I move that we approve the subdivision plat for the Isabel’s Place Subdivision with the following conditions:

1. The applicant shall demonstrate the existing fences and accessory buildings on Lot 1 comply with applicable development standards prior to recording the final plat.
2. A minimum of four (4) additional street trees are required to be planted along Holden and/or Lennox Streets. These trees shall be planted or guaranteed by a cash bond prior to recording of the final plat.
3. The applicant shall provide evidence that courtesy notices have been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia, and CenturyLink regarding the utility easements on the subdivision plat prior to recording the final plat.
4. The applicant shall obtain all required signatures on the final subdivision plat Mylar.”

The motion was SECONDED by Councilmember Paul Hunt. Mayor Hale called for discussion on the motion. There being none then he called for a roll call vote. The voting was as follows:

- Council member Paul Hunt     Aye
- Council member Dustin Gettel   Aye
- Council member Paul Glover     Aye
- Councilmember Quinn Sperry     Aye
- Council member Bryant Brown    Nay

The motion passed 4-1 in favor.

Councilmember Bryant Brown said he was concerned with how the land would be developed to the north.

VIII. CONSENT AGENDA

A. CONSIDER MINUTES OF JANUARY 2 & 9, 2018

MOTION: Councilmember Quinn Sperry MOVED to approve the consent agenda. The motion was SECONDED by Councilmember Paul Hunt. Mayor Hale called
for discussion on the motion. There being none then he called for a roll call vote. The voting was as follows:

- Council member Paul Hunt: Aye
- Council member Dustin Gettel: Aye
- Council member Paul Glover: Aye
- Council member Quinn Sperry: Aye
- Council member Bryant Brown: Aye

The motion passed unanimously.

IX. ACTION ITEMS

A. CONSIDER RESOLUTION NO. 2018-R-07 CONFIRMING THE REAPPOINTMENT OF COLLEEN COSTELLO TO SERVE AS A FULL TIME MEMBER OF THE PLANNING COMMISSION

Lesley Burns said Members of the Midvale City Planning Commission are appointed to serve four-year terms or to finish the unexpired terms of past members. Members can serve a maximum of two full consecutive terms. Colleen Costello will be finishing her first four-year term at the end of January. Ms. Costello has expressed a desire to continue serving a new full term. If re-appointed, Ms. Costello’s second term would end in January 2022.

It is the desire of the Mayor to re-appoint Colleen Costello so she can continue to serve as a full-time member on the Planning Commission. The Mayor is requesting the Council’s consent for this appointment. A resolution has been prepared for the City Council’s consideration of this re-appointment.

Councilmember Bryant Brown said he would like to have the applicant come before the Council to ask them questions.

Councilmember Dustin Gettel said he agreed with Councilmember Bryant Brown. He has a problem with the applicant not being in attendance at the meeting. He felt the applicant should be in attendance for the appointment, to allow for questions to be asked.

Mayor Robert Hale said Colleen Costello has done very well over the years, and she is probably the most trained member of that commission. She attends all the trainings.

Councilmember Quinn Sperry received an email from a concerned resident regarding Colleen’s appointment. He said he contacted one of the Planning Commission members to get a feel for Colleen Costello, and they expressed support for her reappointment to the Planning Commission.

The Council decided to table this item until the applicant could be present.

MOTION: Councilmember Dustin Gettel MOVED to table the Resolution No. 2018-R-07 Confirming the Reappointment of Colleen Costello to serve as a full-time member of the Planning Commission. The motion was SECONDED by Councilmember Bryant Brown. Mayor Hale called for discussion on the
motion. There being none then he called for a roll call vote. The voting was as follows:

- Council member Paul Hunt  Aye
- Council member Dustin Gettel  Aye
- Council member Paul Glover  Aye
- Councilmember Quinn Sperry  Aye
- Council member Bryant Brown  Aye

The motion passed unanimously.

B. CONSIDER ORDINANCE NO. 2018-O-01 ADOPTING CHAPTER 5.54 OF THE MIDVALE MUNICIPAL CODE REGARDING WIRELESS COMMUNICATIONS SERVICES

Garrett Wilcox stated that on December 12, 2017, the City Council discussed the introduction of wireless communication facilities to the City’s rights-of-way and the standstill agreement between the City and Crown Castle. The City Council recognized the value of these facilities to residents, businesses, and visitors to the City. The City Council and staff discussed the public nature of rights-of-way, the limited space within the rights-of-way, and the significant impact these facilities would have on visual makeup of the City. The City Council gave staff the instruction to continue drafting an ordinance that would attempt to minimize these impacts. Since that time the City staff has had ongoing communication with our outside counsel, Thomas Duchen of River Oaks Communications Corporation, and a number of representatives of various providers and infrastructure providers to achieve these goals.

With the standstill agreement with Crown Castle expiring at the end of this month, the staff presents the proposed ordinance as partial fulfillment of its agreement with Crown Castle. The proposed ordinance allows the City to grant a non-exclusive franchise to an entity to install wireless communication facilities into the City’s rights-of-way conditional on their compliance with the City’s requirements. In order to receive a franchise, a provider must agree to follow the City’s ordinance and must demonstrate that it possesses adequate means to protect the City and the City’s rights-of-way from any damage that the entity may cause.

The proposed ordinance attempts to incentivize providers to install less-intrusive facilities in the rights-of-way. To this end, this ordinance allows facilities defined as ‘small cells’ to bypass zoning requirements. Small cells are further incentivized by the method in which they are installed in the rights-of-way. The City’s priority is for providers to install facilities according to the following order of preference: (1) operate in-strand antennas; (2) collocate on existing poles; (3) replace existing poles; and (4) construct new poles. The City’s level of scrutiny increases as its preference decreases.

Under the proposed ordinance, providers will be required to get a pole design approved by the City if they are installing a new pole or a replacement pole of a different material than the pole being replaced. By doing so, the City would like to ensure that designs are appropriate and somewhat standardized across providers for neighborhoods.
Regardless of the method of installation, the proposed ordinance also places certain requirements on all installed facilities. Wireless communication facilities may not exceed a height of 50’. Facilities are required to be located at a site within 100’ radius of a provider’s chosen site that provides the least intrusive visual impact. Equipment is required to be installed within or on the pole, underground, or on private property inside a building or an appropriately screened enclosure. Any macro-cell must comply with the requirements of this chapter as well as with zoning requirements.

**FISCAL IMPACT:** Currently the City has spent and continues to spend general funds in drafting the proposed ordinance and its associated franchise agreement. The City should recoup its costs to review site, building, and roadcut permit applications through their respective application fees. The City should receive compensation from providers and infrastructure providers for City’s management of its rights-of-way.

Garrett Wilcox discussed the following items:

**Proposed Chapter 5.54 Wireless Communications Services**

**Agenda**
- Franchise
- Compensation
- General Requirements
- Incentivizing City’s Preferences
  - Definitions
  - Method of installation

**Addressing Crown Castle’s Concerns**

**Provider-driven Legislation**

**Franchise**

**Nature of Franchise**
- Nonexclusive.
- Required to install wireless communications facilities within City’s rights-of-way.
- Only extends to wireless communication facilities.
- Other franchises, permits, or permissions may still be required.

**Requirements**
- Copy of certificate of public convenience and necessity, if applicable.
- $25,000 performance bond or letter of credit to compensate City for any damage caused by a provider.
- Written agreement to comply with Chapter 5.54.
- Copy of FCC license, if applicable.
- Insurance certificate with City listed as an additional insured.
- Written agreement allowing others to collocate on provider’s facilities.
- Description of provider’s approach to minimize its visual impact.
COMPENSATION
Application Fee
• $700
• Recoup costs for Engineering, Planning and Zoning, and Legal Department reviews.

Permit Fees
• Permit-dependent.
• Recoup costs for reviews from applicable department.

Third-party Engineers
• Cap of $1000 per site.
• Allows City to recoup costs of hiring RF or structural engineering expert.

Franchise Fee
• $1000 per third-party pole/$2000 per City-owned pole.
• Challenged by Crown Castle: “management costs only” under U.C.A. 72-7-102.
• Will be an issue this legislative session.

GENERAL REQUIREMENTS
Height and size restrictions
• No more than 50’ in height.
• No more than 6 cubic feet of antennas.
• No more than 17 cubic feet of equipment.

Equipment
• Within pole or on pole with certain size, height, and color restrictions.
• Underground in vault flush with surrounding grade.
• On private property inside building or screened enclosure.

Visual Impact
• Least-intrusive site within 100’ of provider’s chosen site.

Stealth Design
• Required for all antennas and equipment.
• Minimize appearance through material, screening, color, and/or finish.
• Equipment required to be flush with poles.

INCENTIVIZING CITY’S PREFERENCES
Definitions
In-strand antenna
• Low-power antenna suspended along a wireline between support structures.
• No more than 3 cubic feet for antennas.
• No more than 17 cubic feet for equipment.
• Exempt from Title 17 zoning requirements.
Small cell
- Low-power antennas that are less than 3 cubic feet in volume.
- No more than 6 cubic feet for antennas.
- No more than 17 cubic feet of equipment.
- Exempt from Title 17 zoning requirements.

Macrocell
- Anything other than a small cell or in-strand antenna.
- Required to comply with Title 17 zoning requirements.

Method of Installation

<table>
<thead>
<tr>
<th>Requirement</th>
<th>In-strand</th>
<th>Collocation</th>
<th>Replace Pole</th>
<th>New Pole</th>
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<td>Gen. Noise Study</td>
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<td>Antenna &amp; Equip.</td>
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<tr>
<td>Min. Distance Req.</td>
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<td></td>
<td>Avg. Dist. or 250’</td>
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</table>

* Visual analysis still required for ground equip.
ADDRESSING CROWN CASTLE’S CONCERNS

Crown Castle’s Concern
“The proposed ordinance includes a long list of items which must be filed with the City to request approval to install a strand-mounted antenna. We believe the City should treat strand-mounted antennas in the same way the City treats similar objects that are installed in the right-of-way today without any land use permit filing requirements at all. […]

The small cell strand-mounted cable splice box and antenna are the same size [roughly 12” tall by 28” wide]—or smaller—than the cable splice boxes installed in the public right-of-way today without any land use applications or approvals. […]

We believe the City should not adopt these unduly onerous and expensive filing requirements for low-impact, strand-mounted antennas.”

Response
• Size is not the only factor that matters. However, these antennas are nearly as large as the 3 cubic feet maximum (~2.3 cubic feet).
• City needs to know location of the antennas and their associated equipment.
• Different providers use different designs, and so photo simulations are only required for each style of antenna per application.
• Cable splice and power supply boxes do not create interference or require a four-foot safety area for other right-of-way users.
• Cable splice and power supply boxes do not come with an allowance of 17 cubic feet of equipment for every box or even every 4 boxes.
• Cable company backhaul provider is self-evident.
• Cable companies still must apply to place ground equipment in the right-of-way.
• Cable companies, if they enter a franchise, are required to provide service to residents and are essentially not allowed to speculate.
• Application and 90-day review period are authorized by the FCC under 74 FR 67871 (2009).
• City staff is currently reviewing right-of-way requirements for users as changes are likely necessary in order to be able to manage all users effectively. The entrance of small cells has highlighted the importance of this review.

PROVIDER-DRIVEN LEGISLATION
Similar to New Mexico’s Bill (Nov. 28, 2017 Draft)
• Expansion of small cell size to 6 cubic feet per antenna and 28 cubic feet for equipment with significant exclusions.
• Aesthetic-related regulations are only allowed in federally-recognized historic districts.
• Small wireless facilities are exempt from zoning laws or other regulations.
• Issued permit remains active for 180 days.
• Shortened shot clocks for City response (150 days to 90 days).
• No permits or applications are required for providers to replace equipment with equipment that is “substantially similar” in size.
Proceedings of the City Council Meeting  
January 16, 2018

- Application fees are limited.
- The City may not collect more than $50 per pole per year.
- Limited grandfathering of existing agreements and ordinances.

Councilmember Paul Glover said to contact our local officials and tell them that we don’t want the same Bill as New Mexico’s.

Councilmember Dustin Gettel thanked Garret and Lisa for their hard work on this issue.

Garrett Wilcox discussed a letter received that day from Crown Castle indicating the regulations were too strict.

Rich Busch said he did support the ordinance except for the one concern about the filing requirements for the antennas’. He appreciates Lisa and Garrett for their work on this issue. He provided a copy of the photo sim of what Crown is proposing to install. The filing requirements are that you need to submit an application for 10 antennas’. He discussed the requirements and photos with the Council and staff.

Councilmember Dustin Gettel asked if he was opposed to paying an annual franchise fee? Mr. Busch said Crown may not be opposed to paying the fee, but it’s not appropriate under Utah State Law. He said he was willing to talk with Lisa on this issue.

Councilmember Paul Glover said the Council needs to make sure they are not making a mistake upfront. This information is needed so they can make sure it is done right. The ordinance can always be changed if needed.

Councilmember Paul Hunt said he agreed with Councilmember Paul Glover.

Councilmember Bryant Brown said the City doesn’t know how many of these are going to be installed and what the impact will be on the City. Mr. Busch said if they don’t come to you and tell you where they are located, then that is an enforcement issue.

Councilmember Quinn Sperry asked if Mr. Wilcox anticipated the State Bill would address the filing requirements.

Garrett Wilcox said it very well may. There are significant exemptions in the New Mexico’s Bill. One of the exemptions are for the same type as these wireless facilities. He said one of the reasons this is a requirement for each application is the City has very limited staff. One of the reasons they are requiring this per style per application, this that it is a repetitive thing. If there are 10 that are the same, the City is only requiring one copy for that style. The more staff time saved, the easier it is to comply with the federal guidelines.

Councilmember Paul Glover said there will be several providers, so this will make it an easier process.
Councilmember Paul Glover said he felt the ordinance needed to be adopted.

Garrett Wilcox said this is the last meeting before the end of the month. In order to be compliance with the contract, the ordinance needed to be adopted.

**MOTION:** Councilmember Quinn Sperry MOVED finding that there has been thoughtful consideration of the comments and information provided during those meetings, I move that we approve Ordinance No. 2018-O-1 creating Midvale Municipal Code Chapter 5.54 Wireless Communication Services as presented and staff bring this back to the Council post legislation to consider any changes that need to be made or how it has been working for us at that time. The motion was SECONDED by Councilmember Paul Glover. Mayor Hale called for discussion on the motion. There being none the he called for a roll call vote. The voting was as follows:

- Council member Paul Hunt  Aye
- Council member Dustin Gettel  Aye
- Council member Paul Glover  Aye
- Councilmember Quinn Sperry  Aye
- Council member Bryant Brown  Aye

The motion passed unanimously.

**X.  ADJOURN**

**MOTION:** Councilmember Paul Glover MOVED to adjourn the meeting. Councilmember Paul Hunt SECONDED the motion. Mayor Hale called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The meeting adjourned at 9:25 p.m.

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Rori L. Andreason, MMC  
H.R. DIRECTOR/CITY RECORDER

Approved this 6th day of February 2018.
SUBJECT: Planning Commission Re-Appointment of Colleen Costello (Resolution No. 2018-R-07)

SUBMITTED BY: Mayor Robert M. Hale

SUMMARY:

See attached memorandum.

MAYOR'S RECOMMENDATION:

It is the Mayor’s recommendation to re-appointing Colleen Costello to serve on the Planning Commission for another four-year term.

RECOMMENDED MOTION:

“I move that we adopt Resolution No. 2018-R-07, re-appointing Colleen Costello to the Planning Commission as a full-time member with her term expiring January 2022.”

Attachment:

- Mayor’s Memorandum
- Resolution No. 2018-R-07
Date: February 2, 2018  
To: City Council Members  
From: Mayor Robert M. Hale  
Subject: Planning Commission Re-appointment  
Colleen Costello (Resolution No. 2018-R-07)

Members of the Midvale City Planning Commission are appointed to serve four-year terms and can serve a maximum of two full consecutive terms. Colleen Costello finished her first four-year term at the end of January and is eligible to serve another four-year term. Ms. Costello has served the City well in this capacity. She is a life-long resident of Midvale City and served on the City Council for 16 years. She has attended several Planning Commission training sessions through the League of Cities and Towns and the Land Use Academy of Utah and understands the purpose and role of a Planning Commission.

It is my recommendation the City Council adopts Resolution No. 2018-R-07, reappointing Colleen Costello to serve on the Planning for another four-year term.

Attachment: Resolution No. 2018-R-07
A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF COLLEEN COSTELLO TO CONTINUE SERVING ON THE PLANNING COMMISSION AS A FULL TIME MEMBER

WHEREAS, in accordance with Section 17-4-1 of the Midvale Municipal Code, the Planning Commission is comprised of five members and two alternates to serve four-year terms for a maximum of two full consecutive terms; and

WHEREAS, Colleen Costello has been serving on the Planning Commission as a full time member for four years with the term expiring in January 2018; and

WHEREAS, the Mayor desires to re-appoint Colleen Costello to serve another four-year term on the Planning Commission with this term expiring in January 2022; and

WHEREAS, Colleen Costello has expressed a desire to continue serving on the Planning Commission; and

WHEREAS, the City Council consents to this appointment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Midvale City, Utah:

SECTION 1. The City Council hereby confirms the Mayor’s re-appointment of Colleen Costello to serve another full term on the Planning Commission as a full time member with this term expiring in January 2022.

SECTION 2. This Resolution shall take effect immediately.

PASSED AND APPROVED this ____ day of ______________, 2018.

________________________________________
Robert M. Hale, Mayor

ATTEST:

________________________
Rori Andreason, MMC
City Recorder

Voting by City Council
Bryant Brown
Dustin Gettel
Paul Glover
Paul Hunt
Quinn Sperry

“Aye” “Nay”
_____  _____
_____  _____
_____  _____
_____  _____
_____  _____