

Midway City Planning Commission Regular Meeting Minutes September 9, 2025

The Midway City Planning Commission held their regularly scheduled meeting at 6:00 p.m., September 9, 2025, at the Midway City Community Center, 160 West Main Street, Midway, Utah

Attendance

Andy Garland – Chairman
Kelly Lineback- Vice Chair
Andrew Osborne
Kim Facer (Alt)
Suellen Winegar (Alt) (by zoom)
Melissa Jones
Chad Marsing

Staff

Michael Henke – City Planner Director
Katie Villani – Senior Planner
Wes Johnson – City Engineer
Craig Simons- City Council

Excused

Laura Wardle
Craig Knight
Travis Nokes
Genene Miles

Liaison Report

6:00 P.M. Regular Meeting

Call to Order

- Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation given by Kim Facer

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of August 12, 2025.

Motion: Commissioner Lineback to approve the Planning Commission Meeting Minutes from August 12, 2025.

Seconded: Commissioner Osborne

Chairman Garland: Any discussion on the motion?

Chairman Garland: All in favor.

Ayes: Commissioners: Lineback, Osborne, Facer, and Winegar

Nays: None

Motion: Passed

Item 2: MARSING CUP

Katie Villani reviewed the current application. Chad Marsing, as the owner of property located at 26 South 200 West, located just south of Kringle's, in Midway, Utah, parcel number 06-0157, is seeking a conditional use permit (CUP) to use the property for nightly rentals. The property is located in the R-1-7 zone and falls within the Transient Rental Overlay District (TROD).

The property is located in the R-1-7 residential zone within the Transient Rental Overlay District (TROD) but outside the Resort Zone so a Conditional Use Permit is required prior to applying for a Transient Rental Unit License. The applicants seek approval to rent their home on a short term basis (30 days or less), which requires contracting with a City licensed property management company, providing off-street parking, and obeying occupancy limits, along with all other applicable requirements set forth in the Code.

The applicant applied for and the City Council agreed to amend the TROD in 2023 to include this property.

Letters will be sent to all property owners within 600 feet of the parcel informing them of the application and public hearing to be held before the City Council.

Discussion:

- All owners of transient rental units pay a transient rental tax.
- Another benefit is the resort tax the City collects.
- On the other hand, transient rentals take away from the community aspect, and although this property borders the commercial zone, the property is in a residential zone.
- The City has tried to achieve balance by restricting short term rentals to a well-defined overlay zone (TROD).

Analysis & Possible Findings

- The proposed use is conditionally permitted within the Land Use Title and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all the applicable provisions of this Code.
- The proposed use is consistent with the General Plan.
- The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations.
- There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored.
- The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be

objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City.

- The subject site is physically suitable for the type and density/intensity of the proposed use.
- There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and safety.
- The property falls within Midway's Transient Rental Overlay District (TROD).
- Because the property is in the TROD, but not within the C-2, C-3, or RZ zones, the proposed use is a conditional use pursuant to Midway City Code Section 7.06.050(A).
- The rental of the property for transient lodging purposes is subject to and conditioned upon compliance with Midway City Code including, but not limited to, licensing, nuisance, light and sign ordinances, as well as required inspections.

Comments:

The applicant, Chad Marsing, said it is a relatively small home, that they are friends with neighbors and have spoken with neighbors about what they would like to do with the property and neighbors' concerns, and are proposing rentals to parties of no more than 6 persons at one time.

Commissioner Osborne said that he is not in favor of expanding the TROD but appreciates that the location of this property a block from Town square, abutting the commercial zone, and directly adjacent to downtown shops and restaurants is particularly well-suited to the use sought and therefore does not set a precedent for TROD expansion into residential zones.

Commissioner Facer inquired where the closest similar uses are. Michael Henke advised that there are overnight rentals in places like Springer Farms on 200 W and behind Gravity Coalition on Main Street.

Suellen Winegar asked if neighbors would have recourse if there were problems with renters. Katie Villani advised that in order to get a business license for the rental, there would have to be a property manager with 24 hour phone access. All code provisions, including light ordinances, noise and nuisance ordinances, etc., will still apply.

Proposed Conditions:

The applicant expressed willingness to cap the number of persons who may rent the home at any one time to 6. The Code allows up to 14 depending on the size of home and findings of Building Official/Fire Marshall upon inspection.

Motion: Commissioner Osborne: I make a motion that we recommend approval of the application for a Conditional Use Permit to use the property located at 26 S 200 W, zoned R-1-7, within the TROD, as a short-term rental, accepting the findings set forth in the Staff report, and on the condition that occupancy is limited to a maximum of 8 persons or the maximum determined appropriate by the Building Official/Fire Marshall, whichever is lower.

Seconded: Commissioner Lineback

Chairman Garland: Any discussion on the motion?

Chairman Garland: All in favor.

Ayes: Commissioners: Lineback, Osborne, Facer, and Winegar

Nays: None

Motion: Passed

Item 3: HVSSD “WILL SERVE LETTER”

Michael Henke reviewed proposed Code Text Amendments to Midway City Code Chapter 16 to require a Heber Valley Special Service District “Will Serve” letter for master plans, standard subdivisions, planned unit developments, small-scale subdivisions, rural preservation subdivisions, and density reduction subdivisions.

Background:

- HVSSD is the entity that manages the sewer plant located next to Provo River and just south of State Route 113 between Midway and Heber.
- A "will serve letter" is an official confirmation from a utility or service provider (like a water, sewer, or electric company) that they will provide service to a proposed development project, subject to certain terms and conditions. This document assures the project developer that the necessary infrastructure is available to support the development. It is required for many services such as trash removal, etc.
- Will-serve letters have never been required of developers from HVSSD because there have never been any issues with providing service.
- If the proposed Code Text Amendments are approved, HVSSD “will serve” letters will be required for: Resort Zone master plans, Resort Zone developments, Planned Unit Developments, Standard Subdivisions, Small Subdivisions, Rural Preservations Subdivisions, Density Reduction Subdivisions.
- The letter would have to be submitted at the time of application or the application would be deemed incomplete.

Public Hearing:

Chairman Garland opened the public hearing at 6:50 p.m. No members of the public were in attendance on this issue. Chairman Garland closed the hearing at 6:50 p.m.

Discussion:

Commissioners Facer and Lineback asked if there were issues with capacity at HVSSD. Wes Johnson, City Engineer, said it was not an issue of approaching capacity at this time, but that the limiting factor is where to disperse the effluent (treated water). The other motivating factor is to preserve capacity for Midway development so aggressively developing areas do not take all the capacity and to keep Midway’s seat at the table for discussions in this area, particularly given that the

plant and ponds are in Midway (so it is Midway that deals with any aesthetic or other issues). There will be a sewer summit later this month to address and begin ongoing dialogue on these issues with the County and component municipalities.

Motion by Commissioner Lineback: I make a motion to recommend code text amendments to Midway City Code Chapter 16 that will require a Heber Valley Special Service District “Will Serve” letter for master plans, standard subdivisions, planned unit developments, small-scale subdivisions, rural preservation subdivisions, and density reduction subdivisions, accepting the findings set forth in the Staff report.

Second: Commissioner Facer

Chairman Garland: Any discussion on the motion?

Chairman Garland: All in favor.

Ayes: Commissioners: Lineback, Osborne, Facer, and Winegar

Nays: None

Motion: Passed

Motion by Commissioner Osborne to adjourn the meeting at 7:00 P.M.

Seconded by Commissioner Lineback

Unanimously approved

Meeting adjourned at 8:00 PM

Chairman – Andy Garland

Planner – Katie Villani