



PLANNING COMMISSION STAFF REPORT

DATE OF MEETING: February 10, 2026

NAME OF APPLICANT: City of Midway

AGENDA ITEM: Recommendation to amend Midway City Code by deleting Chapter 16.12.020 G, which lists churches as a permitted use in the RA-1-43 Resident Agricultural Zone

ITEM: 3

Midway City Code Section 16.12.020 G lists churches as a permitted use in the RA-1-43 Agricultural Zone. This provision is contradictory to Section 16.12.030, which lists churches as a conditional use in the same RA-1-43 zone. Churches are a conditional use in all other zones. *See, e.g.* 16.07.030 (R-1-7), 16.08.030 (R-1-9), 16.09.030 (R-1-11), 16.10.030 (R-1-15), and 16.11.030 (R-1-22).

BACKGROUND:

This discrepancy and inconsistency in the RA-1-43 code came to staff's attention this past year when the Church of Jesus Christ of Latter Day Saints submitted two separate applications for churches in Midway. The first church, on Burgi Lane in the RA-1-43 zone, is a permitted use in such zone under 16.12.020 G but requires a conditional use permit under 16.12.030. The second church, on Mitchie Road in the R-1-15 residential zone, required a conditional use permit.

Churches are a conditional use in all residential zones, with the exception of the RA-1-43 zone which lists them as both a permitted use and conditional use, which is contradictory. Since we have no explanation as to why RA-1-43 is treated differently in code, or why it contains contradictory provisions, we are recommending amending the code by deleting 16.12.020 G to make churches a conditional use consistent with all other residential zones.

Midway Municipal Code provides as follows: (emphasis added)

[16.12.020 Permitted Uses \(RA-1-43 zone\)](#)

G. **Churches**, not to include temporary revival tents or buildings.

[16.12.030 Conditional Uses \(RA-1-43 zone\)](#)

A. Public buildings, primary and secondary schools, and **churches**.

DISCUSSION:

- Chapter 16.12 (RA-1-43 zone) is inconsistent as written in that it lists churches as both a permitted use (16.12.020 G) and a conditional use (16.12.030 A).
- Churches are a conditional use in all other residential zones (R-1-7, R-1-9, R-1-11, R-1-15, and R-1-22)
- For purposes of consistency and clarity, staff recommends churches remain a conditional use in all zones, including RA-1-43.
- This can most efficiently be accomplished by deleting 16.12.020 G. and renumbering the following subsections to reflect the change.

POSSIBLE FINDINGS:

- The Proposed amendment to Section 16.12.020 G will remove the internally contradictory language in the section (which presently lists churches as both a permitted use and conditional use).
- The Proposed amendment, which makes churches a conditional use in the RA-1-43 zone, makes the use consistent with and across all other residential zones.
- Conditional use permit applications are subject to review by both the Planning Commission and the Midway City Council.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept the staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
 - a. Accept the staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again.
3. Recommendation of Denial. This action can be taken if the Planning Commission finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept the staff report
 - b. List accepted findings
 - c. Reasons for denial