



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: October 6, 2026

NAME OF APPLICANT: City of Midway

AGENDA ITEM: Visual Architectural Committee alternate members and recommendation to the City Council

ITEM: 13

Midway City is proposing a code text amendment to Section 2.07: Vision Architectural Committee. The proposed changes would amend various requirements of code including, but not limited to, the VAC recommending architectural review for commercial structures to the City Council instead of to staff and language will be added that allows for two alternate members of the VAC to be appointed.

BACKGROUND:

The proposed code text amendment will modify two sections of the code governing the Vision Architectural Committee. The first adjustment will make the VAC a recommending committee to the City Council instead of staff for commercial building permits. The second proposed change is to clarify and add language to the code that two alternate members will be appointed to the committee that will vote if a regular member is not present.

Regarding the first proposed change regarding the VAC being a recommending committee to the City Council instead of to staff, the current code states the following in section 2.07.020.A:

Commercial Building Permits. The VAC and Town Architect shall be responsible to act pursuant to any City ordinance standard or policy that requires review and approval of commercial building plans and/or designs for compliance with the City's Vision Statement and/or other architectural guidelines. The VAC shall make a recommendation on any such building permit application and forward its

recommendation to the Planning Director, who is the City's land use authority for building permit decisions.

The following language is the proposed code (red text is added language).

*Commercial Building Permits. The VAC and Town Architect shall be responsible to act pursuant to any City ordinance standard or policy that requires review and approval of commercial building plans and/or designs for compliance with the City's Vision Statement and/or other architectural guidelines. The VAC shall make a recommendation on any such building permit application and forward its recommendation to the ~~Planning Director~~ **City Council**, ~~who is~~ **which shall serve as** the City's land use authority ~~for building permit decisions~~.*

The reason for the proposed change is City Council would like to be more involved in the approval process for commercial buildings. By changing the language so that the VAC makes a recommendation to the City Council instead of staff, City Council will have the final approval of any new commercial buildings and any significant remodels of existing structures. This will allow City Council to ensure that the vision described in the General Plan is followed achieved.

The second proposed change will add language that clarifies that two alternate members of the committee can be appointed. Currently the language does not mention alternate members, though there are alternate members appointed to all other city recommending committees. In practice two alternates have been appointed by the City Council and the proposed language will make law of what is currently in place. The current language in section 2.07.010 states the following:

There is hereby established a Vision Architectural Committee (hereinafter known as the "VAC") for Midway City. The VAC shall consist of five members appointed by the Mayor, with the advice and consent of the City Council. Two consecutive four-year terms shall be the limit for membership. Partial terms shall not be considered in determining whether a person has served two consecutive terms. A Town Architect will also be appointed by the Mayor, with the advice and consent of the City Council. The Town Architect will be appointed for a four-year term. There are no term limits for the Town Architect.

The proposed language is as follows (red text is added language):

*There is hereby established a Vision Architectural Committee (hereinafter known as the "VAC") for Midway City. The VAC shall consist of five **regular** members and **two alternate members**, appointed by the Mayor, with the advice and consent of the City Council. Two consecutive four-year terms shall be the limit for membership **for regular members. Alternate members only vote when appointed by the Chair when a regular member is absent. Alternate members do not have term limits.** Partial terms shall not be considered in determining whether a person has served two consecutive terms. A Town Architect will also be appointed by the Mayor, with the advice and consent of the City Council. The Town Architect will be appointed for a four-year term. There are no term limits for the Town Architect.*

ANALYSIS:

Reassignment of Land Use Authority (Section 2.07.020.A)

- **Current Structure:** The VAC and Town Architect currently forwards recommendations to the Planning Director, who serves as the designated administrative land use authority for commercial building permit decisions.
- **Proposed Amendment:** The amendment redirects the VAC's recommendation to the City Council, formally designating the Council as the final approval authority for new commercial construction and significant remodels.
- **Analysis:** This shifts the review process from an administrative staff-level decision to a legislative/governing body decision. The change aligns with the City Council's objective to increase oversight and directly ensure that commercial development conforms to the visual and aesthetic goals outlined in the Midway City General Plan.

Codification of Alternate Committee Members (Section 2.07.010)

- **Current Structure:** The existing code only authorizes five regular members and does not formally recognize or outline rules for alternate members.
- **Proposed Amendment:** The amendment formally establishes two alternate positions to be appointed by the Mayor with City Council consent. It clarifies that alternates have no term limits and may only vote when activated by the Committee Chair in the absence of a regular member.
- **Analysis:** This amendment brings the VAC into conformity with all other Midway City recommending committees, which already utilize alternates. In practice, the City Council has already been appointing alternate members to the VAC; this change formally codifies the current practice into law, ensuring proper voting protocols and legal compliance when an alternate must step in to achieve a quorum.

This proposal is a legislative in nature and the City Council has full discretion in this matter. The City Council may deny the request, approve as presented, or approve any modifications the City Council finds necessary to promote the health, safety, and welfare of the community.

POSSIBLE FINDINGS:

- The proposal changes the final approval authority for commercial building permits and major remodels from city staff to the City Council, granting the City Council direct oversight over commercial aesthetics.
- By routing commercial design reviews to the City Council, the amendment allows the city's governing body to directly ensure new development matches the vision outlined in the Midway City General Plan.
- The amendment formally establishes two alternate positions on the committee, aligning the Vision Architectural Committee's structure with all other city recommending bodies and codifying current practice into law.

ALTERNATIVE ACTIONS:

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

MIDWAY CITY, UTAH
ORDINANCE NO. 2026-__

**AN ORDINANCE AMENDING MIDWAY CITY MUNICIPAL CODE SECTIONS 2.07.010
AND 2.07.020 TO ESTABLISH TWO ALTERNATE MEMBERS OF THE VISION
ARCHITECTURAL COMMITTEE; DESIGNATE THE CITY COUNCIL AS THE LAND USE
AUTHORITY FOR COMMERCIAL ARCHITECTURAL REVIEW; AND PROVIDE FOR
SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS, Midway City (the "City") is a municipality of the State of Utah authorized under Utah Code Sections 10-3-702, 10-20-101, 10-20-501, 10-20-502, and 10-20-503 to enact and amend ordinances and land use regulations for the health, safety, welfare, prosperity, peace, and good order of the City and its inhabitants; and

WHEREAS, Chapter 2.07 of the Midway City Municipal Code establishes the Vision Architectural Committee (the "VAC") and provides for a Town Architect; and

WHEREAS, the City desires to formalize two alternate VAC positions, permit an alternate to vote when designated by the VAC Chair to replace an absent regular member, and clarify that alternate members and the Town Architect are not subject to term limits; and

WHEREAS, the City also desires to assign the City Council final land use authority for the architectural-review component of commercial building applications reviewed by the VAC and Town Architect; and

WHEREAS, this code text amendment was presented to the Planning Commission on September 29, 2026 and received a unanimous recommendation for approval; and

WHEREAS, the City Council considered the proposed amendments at a public meeting on October 6, 2026, together with the staff report, the recommendation presented to the City Council, and the public record; and

WHEREAS, the City Council recognizes that a decision made under amended Section 2.07.020.A is an administrative land use decision and must apply the plain language of the applicable land use regulations to the record before the Council; and

WHEREAS, the City Council finds that these amendments will promote consistent application of the City's Vision Statement and architectural standards and are in the public interest.

BE IT ORDAINED BY THE CITY COUNCIL OF MIDWAY CITY, UTAH:

Section 1. Findings. The recitals above are incorporated into this Ordinance as findings of the City Council.

Section 2. Amendment of Section 2.07.010. Section 2.07.010 of the Midway City Municipal Code is amended and restated to read:

2.07.010 Membership.

There is hereby established a Vision Architectural Committee (the "VAC") for Midway City. The VAC consists of five regular members and two alternate members appointed by the Mayor with the advice and consent of the City Council. A regular member may serve no more than two consecutive four-year terms. An alternate member may vote only when designated by the VAC Chair to serve in place of an absent regular member. Alternate members are not subject to term limits. A partial term does not count toward the two-consecutive-term limit.

The Mayor, with the advice and consent of the City Council, shall appoint a Town Architect for a four-year term. The Town Architect is not subject to term limits.

Section 3. Amendment of Section 2.07.020.A. Subsection 2.07.020.A of the Midway City Municipal Code is amended and restated to read:

2.07.020 Responsibilities.

A. Commercial Building Permits. The VAC and Town Architect shall review commercial building plans and designs when a City ordinance, standard, or policy requires review for compliance with the City's Vision Statement or other applicable architectural guidelines. The VAC shall make a recommendation on each such application and forward the recommendation to the City Council. The City Council shall serve as the land use authority for the architectural-review component of the application.

Section 4. Scope and Administration. When acting as the land use authority under Section 2.07.020.A, the City Council acts in an administrative capacity and shall apply the plain language of the applicable land use regulations to the record before it. This Ordinance does not transfer building-code administration, sign-permit authority, or any other approval not expressly assigned by Section 2.07.020.A. The remainder of Section 2.07.020 is unchanged.

Section 5. Conflicting Provisions. All ordinances, resolutions, policies, and provisions of the Midway City Municipal Code that conflict with this Ordinance are superseded only to the extent of the conflict.

Section 6. Severability. If a court of competent jurisdiction holds any provision of this Ordinance or its application to any person or circumstance invalid, the remaining provisions and applications shall remain effective to the extent they can operate lawfully and independently.

Section 7. Codification and Conforming Authority. The City Recorder, City Attorney, and authorized City staff may make nonsubstantive formatting, numbering, cross-reference, grammatical, and codification changes needed to incorporate this Ordinance into the Midway City Municipal Code, provided that no change alters the substantive meaning adopted by the City Council.

Section 8. Effective Date. Under Utah Code Section 10-3-712, this Ordinance takes effect on the day after its short summary is published as a class A notice, provided the Ordinance has been signed, recorded, and deposited with the City Recorder as required by Utah Code Sections 10-3-705, 10-3-711, and 10-3-713.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah this ____ day of _____, 2026.

Council Member	AYE	NAY
Andy Garland	_____	_____
Lisa Orme	_____	_____
Kevin Payne	_____	_____
Andrew Osborne	_____	_____
JC Simonsen	_____	_____

APPROVED:

Craig Simons, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)