



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: February 11, 2020

NAME OF PROJECT: Wasatch Mountain State Park Annexation

NAME OF APPLICANT: Utah Department of Natural Resources, Division of Parks and Recreation, a political subdivision of the State of Utah

AGENDA ITEM: Annexation

ACRES: 349.719 acres

LOCATION OF ITEM: Property is located along Warm Springs Road and Pine Canyon Road and includes the Wasatch Mountain State Park Visitor's Center, campground, and part of the golf course

POTENTIAL ZONING: P-160

ITEM: 2

The State of Utah is petitioning for annexation of 349.7 acres that is part of the Wasatch Mountain State Park. The property is located along Warm Springs Road and Pine Canyon Road and includes the Wasatch Mountain State Park Visitor's Center, campground, and part of the golf course. The proposed zoning for the property is P-160 (Preservation 160 acres).

BACKGROUND:

Wasatch Mountain State Park, in cooperation with Midway, is petitioning the City for annexation of a relatively small portion of the State Park. The area that is included in the petition is a section of the golf course, campground area, and some undeveloped sloped areas. The reason for the proposal is for the communal benefit of continuing to have the

ability to collect resort tax. The area proposed for annexation includes the campground area which would greatly benefit the City regarding complying with State Code requirements to collect resort tax. The addition of the camp spaces in the City limits would allow the City to continue to collect the resort tax which is worth hundreds of thousands of dollars to the City each year.

The proposed zoning for the property P-160 which is a very low-density zone. If the State Park property is annexed into the City, it appears the City would not have much control over future development in the park much like the County currently does not have much control over current development. The property is owned by the State and the State has land use authority over the property even if the property is in the City limits. The City does need to assign a zone to the property so staff has determined that the best zone would be one very similar to what the current County zoning is. It is unlikely that the zoning will ever be used on the future development conducted by the State Park but there is the remote possibility that the land may become private in the future. In times past, the State Park has traded park property with private owners. If the property is ever owned by a private individual, then the zoning would determine the allowed land uses and regulations for the property.

The City has discussed annexation with the State Park and both parties agree that annexation is a possibility. The City cannot force the State Park to annex any of its property because, in this situation, the State Park is petitioning the City for annexation.

The annexation will leave an unincorporated island in Wasatch County. This area is between Warm Spring Road and Pine Canyon Road and north of the City's current boundary. Staff feels it is important to not annex this area now but to wait for the property owners to petition the City in the future for annexation. If the owners petition the City, then a development plan is required along with any other items the City Council would like addressed. If the properties were forced into the City without the property owners being petitioners then the City could not ask for a development plan, annexation agreement, or any other items. For the State Park area to annex, and to leave the unincorporated island in the County, Wasatch County Council has approved leaving the unincorporated island in the County. Staff has been working with Wasatch County on this issue and has solution that is agreeable to both parties. Basically, the City would take the responsibilities of maintain any of the roads the County is currently maintaining in the annexation area and island area from the County.

The annexation contains two parcels (see attached). Both parcels are owned by the petitioner. The following is a list of the properties as stated in the petition with accompanying information:

Property Owner	Tax ID#	Signed Petition	Acres	Taxable Value
Utah State Parks and Recreation	OWC-3246-0	Yes	21.5	\$ N/A
	OWC-0230-0	Yes	328.2	\$ N/A

The petition does comply with State Code which requires the owners of most of the land sign the petition and that the signers also own at least 1/3 of the taxable value of land in the annexation area. State Code also requires a survey of the area which has been completed. There are other requirements listed in State Code and all seem to be met.

Annexations fall under the category of a legislative action. Therefore, the City Council has broad discretion regarding the petition. It may be approved or denied based on the discretion of the Council members. There is no obligation by the City to annex the property. If the Council feels that the area will contribute to the community and will help promote the goals and policies of the General Plan, then the annexation should be considered. The City Council may consider any issue, included in the staff report or not, as a discussion item. Also, the City may require items from the petitioner that normally would not be allowed if a developer's property was already located and zoned in the City. In the past, petitioners of annexations have donated to the parks fund as part of their annexations. Since the action is legislative it is not bound to the same rules that an administrative process is bound to.

This item has been noticed in the local newspaper for two weeks and on the State's website for the Planning Commission meeting. Public notices have also been posted in three public locations in Midway advertising the meeting and agenda.

ANALYSIS:

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 9.05.020 requires specifically the Staff address the following issues:

- A. The ability to meet the general annexation requirements set forth in this Title; *Planning staff believes that the proposal does comply with the general requirements of this Title.*
- B. An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features, e.g. drainage, channels, streams, wooded areas, areas of high water table, very steep slopes, sensitive ridgeline areas, wildfire/wild land interface areas, and other environmentally sensitive lands: *The proposed annexation does include an annexation plat. There are sensitive lands on the property that include stream corridors, floodplains, slopes greater than 25%, and wildlife habitat.*
- C. Identification of current and potential population of the area and the current residential densities: *Currently the Wasatch county zoning is P-160 (preservation 160 acres). The proposed zoning for the City is also a very similar zone that is also P-160. The State Park does have rights to develop the property and it appears the City would not have much control over future development in the park much like the County currently does not have much control over current*

development. The property is owned by the State and the State has land use authority over the property even if the property is in the City limits. What this means is the State could develop their property and density could be included in that development regardless of whether the property is in the County or in the City. If the State were ever to sale or trade property in the annexation area to a private individual, any development by that individual would need to comply the City's land use laws and zoning.

- D. Land uses presently existing and those proposed: *Currently the land use recreational. It is anticipated that the State Park will continue to operate the golf course and the campground in the annexation area.*
- E. Character and development of adjacent properties and neighborhoods: *The property to the north and west are also State Park properties. To the east is the Town of Interlaken. To the south is the current City boundary which has been developed as residential.*
- F. Present zoning and proposed zoning: *The current County zoning is P-160 which is a 160-acre zone. The planned zoning that midway has proposed is P-160 which is also a 160-acre zone.*
- G. A statement as to how the proposed area, and/or its potential land use will contribute to the achievement of the goals and policies of the Midway City General Plan and the Midway City Vision: *The General Plan promotes economic development and recreation. The proposed annexation will benefit both of those goals. Annexing the campground will allow the City to still collect the resort tax. Also, the State Park provides recreational opportunities to residents and will continue to develop other recreational opportunities in the future.*
- H. Assessed valuation of properties within the annexation area: *The State of Utah, like Midway City, is not required to pay taxes on property it owns, therefore the County assessor does not have a valuation for the property.*
- I. Potential demands for various municipal services and the need for land use regulation in the area, e.g. consideration of the distance from the existing utility lines, special requirements for sensitive land review and fire protection in wildfire or wild land areas, location within hazardous soils area, and feasibility of snow removal from public streets: *If the property is annexed then the City will be required to provide services that the Wasatch County has been provided to the area. The City will plow and maintain the roads that the County has plowed and maintained. It appears there will be no extra services required for the water system since the State Park owns their own water system. There may be some services from staff required but it appears that demand will be limited.*
- J. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable

boundaries, and difficult service areas: *The annexation will increase the City's boundaries. It appears that servicing the area will not create any unmanageable complications except that the City. The annexation will leave an unincorporated island in Wasatch County. This area is between Warm Spring Road and Pine Canyon Road and north of the City's current boundary. Staff feels it is important to not annex this area now but to wait for the property owners to petition the City in the future for annexation. If the owners petition the City, then a development plan is required along with any other items the City Council would like addressed. If the properties were forced into the City without the property owners being petitioners then the City could not ask for a development plan, annexation agreement, or any other items. For the State Park area to annex, and to leave the unincorporated island in the County, Wasatch County Council has approved leaving the unincorporated island in the County. Staff has been working with Wasatch County on this issue and has solution that is agreeable to both parties. Basically, the City would take the responsibilities of maintain any of the roads the County is currently maintaining in the annexation area and island area from the County.*

- K. A proposed timetable for extending municipal services to the area and recommendation on how the cost thereof will be paid: *City services are up to the boundary of the annexation. It is not anticipated that the City will extend water into the annexation area since the State park has its own water system.*
- L. Comparison of potential revenue from the annexed properties with the cost of providing services thereto: *The City will spend money to maintain roads in the annexation. The City will also continue to collect the resort tax which has a major positive impact on the City's revenue. In 2006 the City imposed the Resort Communities Tax (UCA 59-12-401). This tax can be levied if a communities' "transient room capacity" is greater than 66% of its census population. In Fiscal Year 2019 this tax provided almost \$685,877 or 15% of the City's general fund revenue. Since 2006 the City has received almost \$6.13 million in revenue from the tax. The additional revenue from the Resort Tax has been valuable to the City. It allowed the City to implement a ten-year plan to replace, repair and maintain the infrastructure that is in part impacted by tourism. This infrastructure includes roads, water, parks, sidewalks, and trails. The extra revenue also allows the City to purchase additional equipment, such as snowplows, to better maintain this infrastructure.*
- M. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed: *There are no residents that live in the annexation area.*
- N. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and the potential impact of the annexation on the general county economic needs, goals, or objectives: *No government jurisdiction or agency has objected to the proposed annexation. The City has worked closely*

with Wasatch County and they have agreed to the annexation.

- O. Location and description of any historic or cultural resources: *None have been identified*

POSSIBLE FINDINGS:

- Annexing the campground into the City limits will help the City to continue to collect the resort tax which is beneficial to all residents of Midway.
- The State is agreeable to the proposal and has worked with the City so that annexation can occur.
- Wasatch County Council has agreed to the annexation.
- The proposal is a legislative action.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission finds that the annexation is in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Continuance. This action can be taken if the Planning Commission finds that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Recommendation of Denial. This action can be taken if the Planning Commission finds that the request is not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

State Park Annexation and Unincorporated Island

Legend

- State Park Annexation
- Unincorporated Island



