



**PLANNING COMMISSION MEETING STAFF REPORT**

**DATE OF MEETING:** October 8, 2019

**NAME OF PROJECT:** Midway Growth Boundary Amendment

**NAME OF APPLICANT:** Midway City

**AGENDA ITEM:** Midway Growth Boundary Land Use Map Amendment

**LOCATION OF ITEM:** Wasatch Mountain State Park area near the Visitor's Center

**ZONING DESIGNATION:** RA-1-43

**ITEM: 6**

Midway City is proposing an amendment to the City's Land Use map. The proposal is to extend the Midway growth boundary to include property that is part of the Wasatch Mountain State Park. The area that would be included is around the visitor's center, Wasatch Mountain golf courses, camping areas and other surrounding properties.

**BACKGROUND:**

Midway City is requesting an amendment to the Midway City Land Use Map that would adjust the Growth Boundary to include some of Wasatch Mountain State Park along with two smaller parcels. The proposed extension of the City's growth boundary is approximately 3,172 acres which is about 4.96 square miles. Wasatch Mountain State Park is 21,592 acres and the City is proposing to include only small percentage of those acres in the future growth boundary. 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. Area added to the map would still need to be officially annexed into Midway before the area would be in Midway's jurisdiction. This is the first step of a two-part process. The second step is annexation which can only occur if the property is in Midway's declared growth boundary.

The vast majority of the property that would be included in the extended growth boundary is State Park property. There are only two other relatively small parcels that would be included in the proposal. The first is a small parcel of 1.81 acres owned by Heber Light and Power. This property is surrounded by Wasatch Mountain State Park and, therefore, must be included in the growth boundary. The second is a 15-acre parcel owned by Duane Moss that is located directly north of Turnberry Woods Planned Unit Development. This parcel must be included because of its shape and location with surrounding property in the City and the State Park property. If the State Park is annexed in the future, then this parcel would need to be annexed also. State Code does not allow an unincorporated County parcel peninsula to occur and if this property were not included then it would create this specific situation.

The proposed zoning for the property would be RA-1-43 which is the City's lowest density zone. Staff has considered creating a new zone for the State Park property and the Heber Light and Power property that would better suit the use of the land. This idea should be considered by the Planning Commission and the City Council as future land use is considered. It seems the most likely zoning designation for the 15-acre Moss parcel is RA-1-43 though all options should be considered. Currently all the Moss property is zoned RA-1 in Wasatch County which is similar to the City's RA-1-43 zone. The State Park Property and Heber Light and Power property is zoned 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 obvious gain would be the ability for the City to count the campground in the City limits which would help the City to continue to collect resort tax. The exact ability of the City to influence development will be determined during the annexation process.

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 would need to petition the City for annexation in order for the City to have the ability to annex the property. The State park has some requests that appear to be reasonable, such as the City would take test samples of the State Park's water system and submit those for water testing along with our own water samples. Those requests will be considered during the annexation process.

## ANALYSIS:

Midway City is a small community with an estimated population of 5,257 that is significantly impacted by tourism. It is surrounded by the Wasatch Mountain State Park, Wasatch Mountain Golf Course, Soldier Hollow Olympic Venue, Soldier Hollow Golf Course, Deer Creek Reservoir, Deer Creek State Park, Jordanelle Reservoir, Jordanelle State Park, and the Wasatch National Forest. It is home to the Zermatt Resort, Homestead Resort, Crater Springs Golf Course, Blue Boar Inn, and several bed and breakfasts. Because of its location it has become a resort and tourism-oriented community with the associated benefits but also the inevitable traffic, demands on infrastructure, and other challenges.

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. Additionally, other tourism related impacts such as increased law enforcement will need be addressed.

Unfortunately, the City's transient room capacity has remained constant while the impact of tourism has increased. Wasatch Mountain State Park, Jordanelle State Park and Deer Creek State Park are some of the State's most visited parks and have seen year over year visitation increases. For example, Wasatch Mountain State Park had 366,230 visitors in FY 2018 which was a 29% increase from FY 2015. Many of these visitors live or stay along the Wasatch Front or in Park City. They visit the area but do not stay overnight.

The City has created a multistep plan to continue to collect the resort tax. The first step to annex this relatively small area of the State Park. The addition of the current campground sites will help the City to continue to collect the resort tax for some years. The second step that will help the City to continue to collect the resort tax is to add additional rooms in Resort Zone areas. There are several options available, but the most likely option is redevelopment of The Homestead Resort.

**POSSIBLE FINDINGS:**

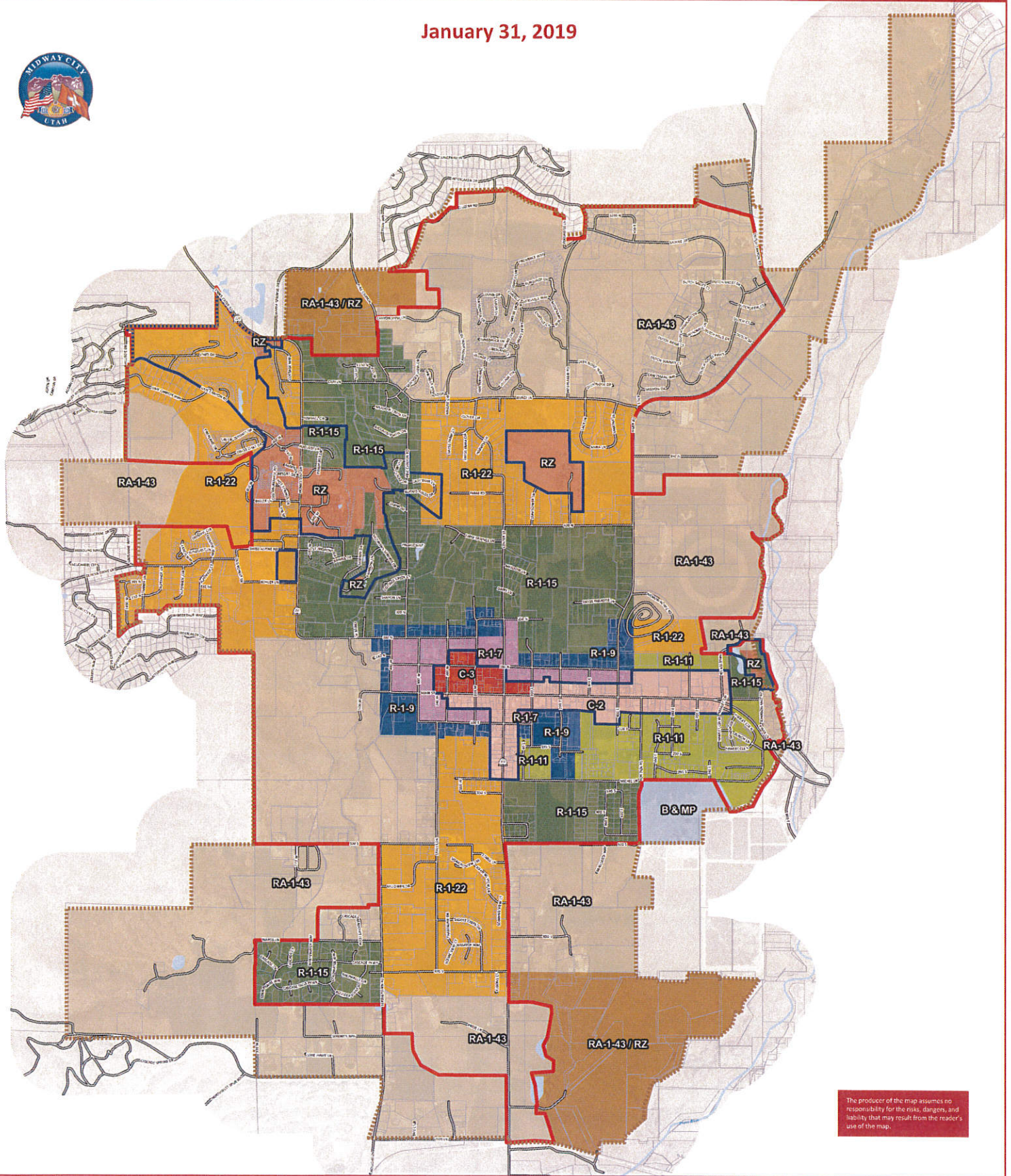
- The proposed amendment will allow the area on the proposed growth boundary to be considered for annexation if a petition is submitted to the City.
- Annexing the campground into the City limits will help the City to continue to collect the resort tax which is beneficial to all residents of Midway.
- The State is agreeable to the proposal and has worked with the City so that annexation can occur.
- The proposed boundary will not create any future unincorporated parcel peninsulas or islands which are not allowed by State Code.

**ALTERNATIVE ACTIONS:**

1. Recommendation of Approval. This action can be taken if the Planning Commission finds the proposal is acceptable and 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 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 acceptable and not in the best interest of the community.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

# MIDWAY CITY - Land Use

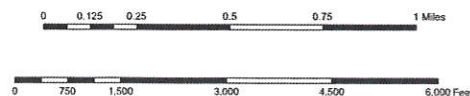
January 31, 2019



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## Legend

- |                        |               |              |
|------------------------|---------------|--------------|
| Midway Growth Boundary | <b>Zoning</b> | R-1-22       |
| TROD                   | B & MP        | R-1-7        |
| Midway City Boundary   | C-2           | R-1-9        |
| Rivers                 | C-3           | RA-1-43      |
| Roads                  | R-1-11        | RZ           |
| Water Body             | R-1-15        | RA-1-43 / RZ |



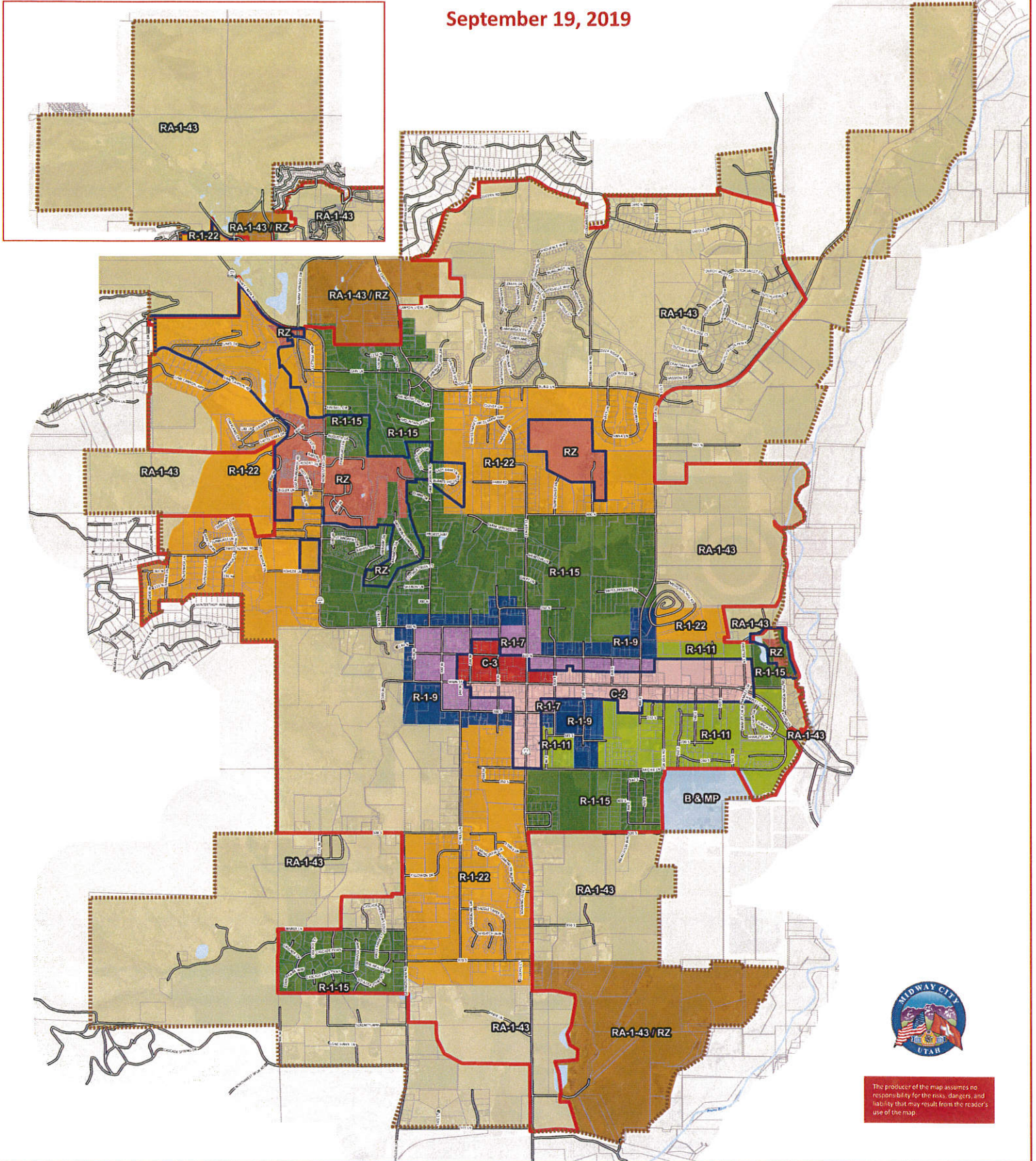
**MOUNTAINLAND**  
ASSOCIATION OF GOVERNMENTS

Map Produced by Kory Simon, GISP / Chief Cartographer  
Municipal Association of Government  
Map Production Date: Jan 31, 2019  
Map Projection: State Plane Utah Central NAD83 Feet  
Data Source: Midway City & Wasatch County



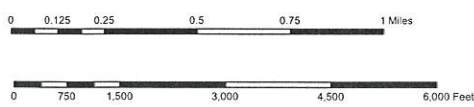
# MIDWAY CITY - Land Use

September 19, 2019



**Legend**

Midway Growth Boundary	<b>Zoning</b>	R-1-22
TROD	B & MP	R-1-7
Midway City Boundary	C-2	R-1-9
Rivers	C-3	RA-1-43
Roads	R-1-11	RZ
Water Body	R-1-15	RA-1-43 / RZ



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Map Produced by Amy Innes, GIS / Chief Cartographer  
 Municipal Association of Governments  
 Map Production Date: Sept 18, 2019  
 Map Projection: State Plane Utah Central (NAD83) Feet  
 Data Source: Midway City & Wasatch County



**Transient Rental Capacity vs Estimated Census Population**

Year	Transient Rental Capacity	Additional Capacity	Total Capacity	Census Estimate	66% of Census Estimate	Difference in Capacity	Difference in Standard Bedrooms
2006	2,514	-	2,514	2,529	1,669	845	282
2007	2,514	-	2,514	2,529	1,669	845	282
2008	2,514	-	2,514	2,529	1,669	845	282
2009	2,520	-	2,520	3,474	2,293	227	76
2010	2,916	-	2,916	3,701	2,443	473	158
2011	2,844	-	2,844	3,845	2,538	306	102
2012	2,862	-	2,862	3,911	2,581	281	94
2013	2,883	-	2,883	4,023	2,655	228	76
2014	2,895	-	2,895	4,023	2,655	240	80
2015	2,844	-	2,844	4,436	2,928	(84)	(28)
2016	2,934	-	2,934	4,646	3,066	(132)	(44)
2017	2,883	-	2,883	4,898	3,233	(350)	(117)
2018	2,859	-	2,859	5,093	3,361	(502)	(167)
2019	2,901	484	3,385	5,257	3,470	(85)	(28)
2020		-	-		-	-	-