



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: June 4, 2024
NAME OF PROJECT: Swiss Haven
NAME OF APPLICANT: URE Fund 1 Swiss Haven Homes LLC
AGENDA ITEM: Annexation
ACRES: 0.71 acres
LOCATION OF ITEM: 850 Bigler Lane
PROPOSED ZONING: Resort Zone

ITEM: 11

URE Fund 1 Swiss Haven Homes LLC is petitioning for annexation of a 0.71-acre portion of parcel 14-1429. The property is in the Midway Growth Boundary and located at 850 Bigler Lane. The proposed zoning for the property is Resort Zone (RZ).

BACKGROUND:

URE Fund 1 Swiss Haven Homes LLC has petitioned the City to annex 0.71 acres that will be zoned Resort Zone if approved by the City Council. Currently, the property is in the County and is zoned RA-1. The area does fall within Midway’s annexation declaration area so the property can be annexed but the City is under no obligation to annex the property. The Municipal Code does require that numerous issues are analyzed and evaluated before the City considers approving an annexation. Currently, the City boundary runs along the east side of the proposed annexation property area.

The property in question consists of .71 acre, comprising a portion of parcel 14-1429, located at approximately 850 Bigler Lane. The property currently has no structures, but construction has commenced for the Swiss Haven PUD that is on part of the parcel that is already in the city limits. The property petitioned for annexation is in the Midway Growth Boundary, lies contiguous to the corporate limits of Midway City, and will not create an incorporated peninsula, so annexation of the property is allowed by State Code.

The applicant represents in the petition that the applicant owns 100% of the property for which the applicant seeks annexation.

The applicant seeks to annex this property and make it a part of the previously approved Swiss Haven PUD. Upon annexation, the applicant “would begin horizontal improvements immediately and anticipates a 4-month timeframe for completion of such improvements. Vertical Construction is estimated to take roughly 16 months to complete with a one-month stagger between the beginning of construction on each building”.

According to the applicant:

... the 0.71 acre annexation area will largely serve as the rear yard setback for eight units of an approved, 22-unit resort development. Only a small portion of eight approved structures will be constructed within the annexation area. The approved resort subdivision borders the east side of the annexation area. There is agricultural property to the west. The Zermatt Resort borders the north portion of the annexation area, across Bigler Lane. The Swiss Heights Mobile Home Park borders a small portion of the southern boundary.

The applicant requests that the portion of Parcel 14-1429 proposed to be annexed be designated as Resort Zone to be consistent with the rest of parcel 14-1429 that is already within Midway City.

The applicant represents that the water rights for the project were reviewed by the City and State Engineer’s Office through change applications associated with rights 55-1270, 55-5476, and 55-9110. According to the applicant:

These water rights are currently in City sources and will be dedicated to the City prior to recordation of any plat. In 2000, the Water Advisory Board approved 12.89 shares of Midway Irrigation equivalent to 38.67 ac/ft for use as both culinary and outside irrigation at this project.

The petition for annexation is a partial portion of the following parcel which is owned by the petitioner.

<u>Property Owner</u>	<u>Tax ID#</u>	<u>Signed</u>	<u>Acres</u>	<u>Taxable Value</u>
URE Fund 1 Swiss Haven Homes LLC	OMI-0196-1	Yes	0.71	Not Submitted

The petition does comply with State Code that 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 can be approved or denied based on the discretion of the Council members. 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 were 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, the City Council is not bound to the same rules that an administrative process is bound to.

Per the City Code, the intent of the annexation code is the following:

It is the intent of this Chapter to ensure that property annexed to the City will contribute to the attractiveness of the community and will enhance the rural, resort image which is critical to the economic viability of the community, and that the potential fiscal effect of an annexation does not impose an unreasonable burden upon City resources and tax base.

The property petitioned for annexation is in the Midway Growth Boundary and it will not create an incorporated peninsula, so annexation of the property is allowed by State Code. The applicant would like to annex the 0.71 acres to continue developing the property as the Swiss Haven PUD which was approved by the City over two decades ago.

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 and notices will be mailed to all property owners within 600 feet of the proposed annexation for the public hearing that will held by the City Council.

ANALYSIS:

The comments italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the City Council 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 concept plan has been submitted and is attached to this report. The property does not contain any sensitive lands.*
- C. Identification of current and potential population of the area and the current residential densities: *Currently there are no dwellings in the annexation area. The Swiss Haven PUD was approved with 22 units. Eight of the units partially fall in the annexation area.*
- D. Land uses presently existing and those proposed: *Currently the land in the area is being used for agricultural purposes. The proposed land use is a Planned Unit Development with the potential for short-term rentals because the property is in the Transient Rental Overlay District.*
- E. Character and development of adjacent properties and neighborhoods: *The properties surrounding the annexation are predominantly being used for high-density resort (Zermatt Resort), high-density residential (Swiss Heights Trailor Park), low density residential to the east, and agriculture to the west.*
- F. Present zoning and proposed zoning: *The current County zoning is RA-1 which is a one-acre zone. The planned zoning that Midway has established is Resort 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 petitioner has indicated that the 22 units will be single-family dwellings that may be rented on a short-term basis. This matches the vision described in the General Plan for resort areas that help create a tax base for Midway.*
- H. Assessed valuation of properties within the annexation area: *The assessed value of the property has not been submitted.*
- 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, the City will be required to provide additional services to the area. Office staff in the various City departments will spend time working on the development and with the residents in the annexed area. This includes land use applications, building permits, and utility payments. These services cost the City money, but it is likely the units will be rented on a short-term basis and the added revenue in the form of transient room tax, resort tax, and residual sales tax will most likely pay for the increased services and add to the City's revenue. The City does have water lines fronting the area of the annexation and other utilities are located nearby. The roads in the*

new development will be private so the City will not take on any more burden for road maintenance since Bigler Lane is already maintained by the City.

- 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. The proposed annexation will not create an unincorporated island or peninsula as defined by State law. The annexation also will not produce any areas that are difficult to service.*
- 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. The developer will need to build the infrastructure within the annexation area for the development so the City will incur no development cost, only maintenance cost of water lines but not roads, once that infrastructure is approved by the City.*
- L. Comparison of potential revenue from the annexed properties with the cost of providing services thereto: *It appears the development will add to the City's revenue because of the probability that the units will be short-term rentals. Short-term rentals help the City add revenue in the form of transient room tax, resort tax, commercial property tax, and residual sales tax when visitors spend money at other businesses they visit while visiting Midway.*
- M. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed: *There are no existing dwellings in the proposed 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 held a review meeting and invited all potentially impacted jurisdictions, agencies and utilities and no major concerns were identified in that meeting.*
- O. Location and description of any historic or cultural resources: *None have been identified.*

Additional Items of consideration

- Density – Staff previously prepared a development agreement for The Villages of Zermatt Plats C and D which is located at 875 Bigler Lane and is in the Resort Zone. These two phases cover 5.99 acres and include 22 units in nine buildings (two-fourplexes and seven-duplexes). Phases C and D are the last phases to be recorded of the Zermatt master plan (see attached). They both received final

approval from the Midway City Council on February 17, 2000. They also received Final approval from the Water Board on March 6, 2000. In the year 2000, the City did not have an approval sunset ordinance, so the approval is still active. The applicant seeks to annex this .71 acre and make it part of the Swiss Haven PUD. The plat will be a planned unit development plat with 22 building pads and common space that will be maintained by the Property Owners' Association. The entire property is zoned Resort Zone and is in the Transient Rental Overlay District so the units will all have the option to be rented on a nightly basis. The Visual Architecture Committee has reviewed the proposed building plans. Staff feels that it is important to record a development agreement for the two phases (which will be recorded on one plat) to protect both the City and the developer. A development agreement states basic development understandings and regulations which help both parties through the development process. Attached is the proposed development agreement.

- Water – water rights for the project were approved by Midway and by the State Engineer's Office through three change applications (55-1270, 55-5476, and 55-9110) and the water rights for the project have been in City sources ever since. The water rights do need to be dedicated to the City, which must take place before the plat is recorded for the two phases.
- Access – The proposed annexation is intended to become part of the previously approved Swiss Haven PUD and access would be as set forth on such plat. No separate or additional access is proposed nor required.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the proposal during their May 14th, 20024 meeting and approved the following motion:

Motion: Commissioner Garland: I make a motion that we recommend approval of Swiss Haven Homes LLC's petition for annexation of a 0.71-acre portion of parcel 14-1429 and accept the staff report, findings, and proposed condition that the Swiss Haven subdivision plat is not recorded until the Swiss Haven Annexation plat is recorded. The property is in the Midway Growth Boundary and located at 850 Bigler Lane. The proposed zoning for the property is Resort Zone (RZ).

Seconded: Commissioner Miles

Commissioner Nicholas: Any discussion on the motion?

Commissioner Nicholas: All in favor.

Ayes: Commissioners: Osborne, Nokes, Miles, Knight, and Garland

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The proposal is a legislative action.
- The proposed annexation does comply with the intent of the annexation code.
- The Swiss Haven PUD was approved by the City in 2000 and it appears at the time of approval, the City understood that the entire parcel was in the City limits.

ALTERNATIVE ACTIONS:

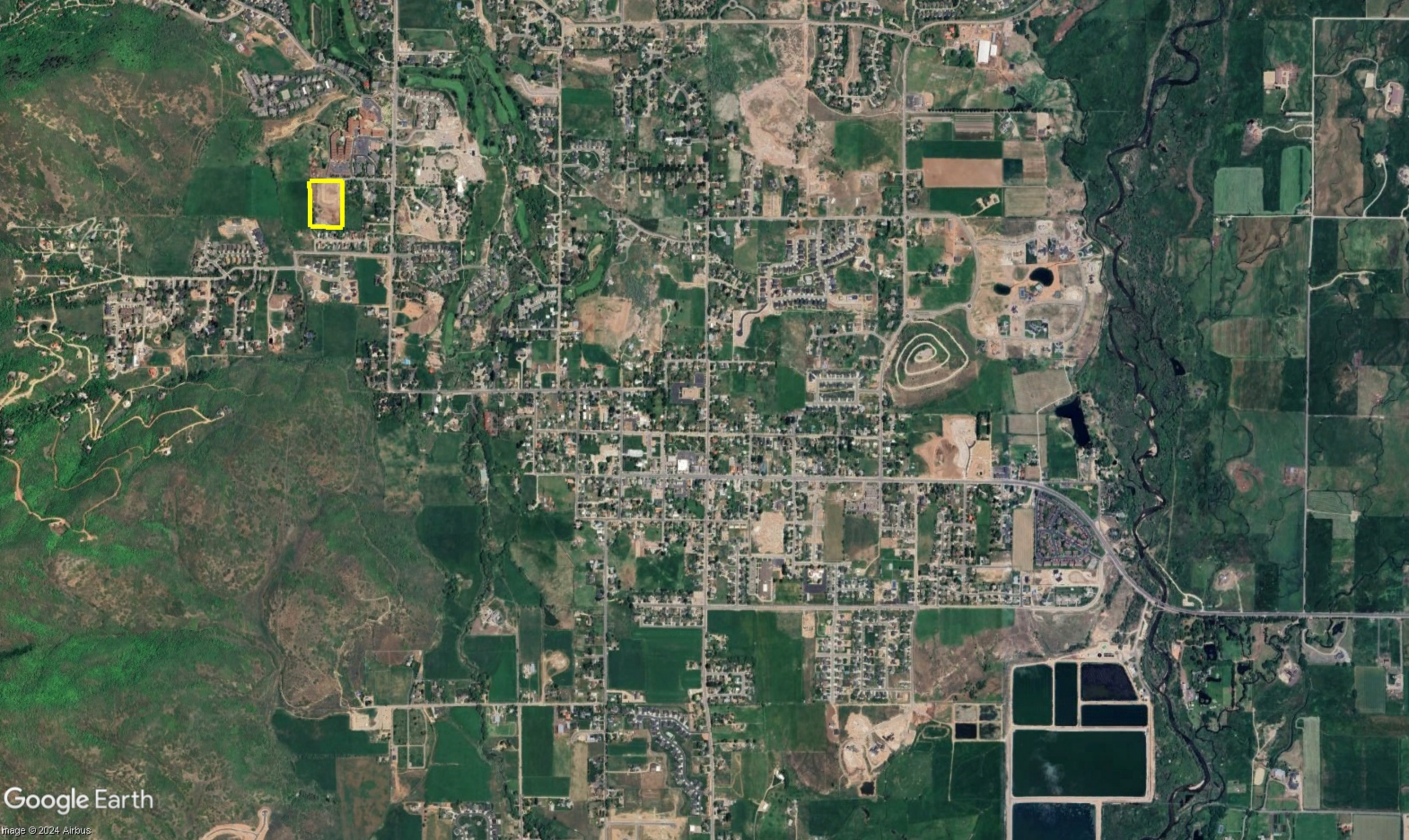
1. Approval. This action can be taken if the City Council finds that the annexation is in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

2. Continuance. This action can be taken if the City Council 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. Denial. This action can be taken if the City Council 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

PROPOSED CONDITIONS:

1. The Swiss Haven subdivision plat is not recorded until the Swiss Haven Annexation plat is recorded.



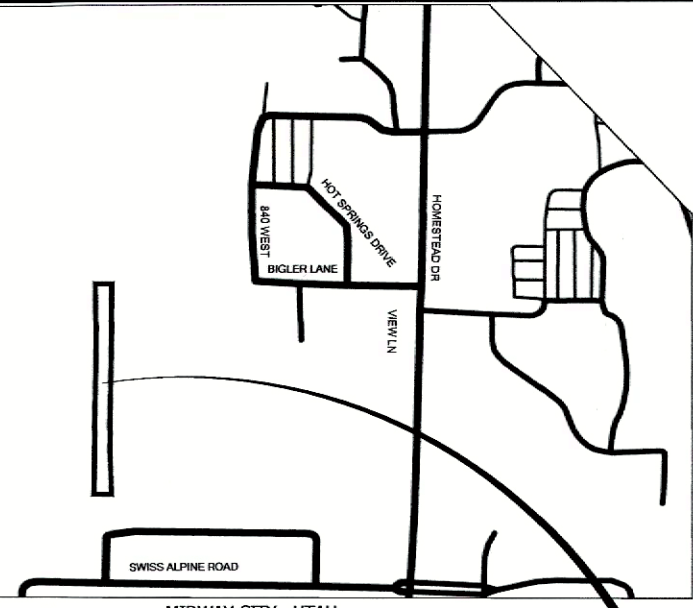




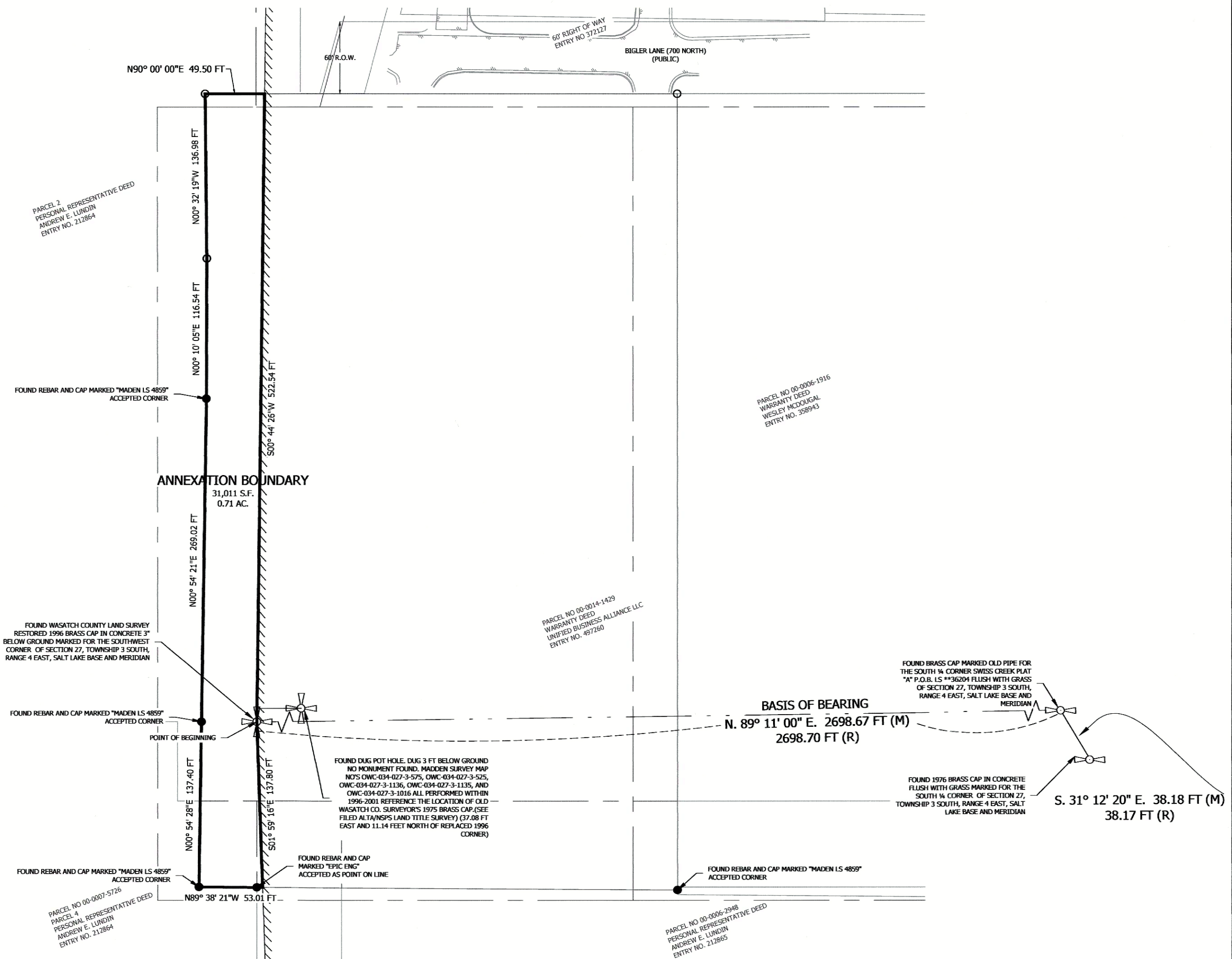


SWISS HAVEN ANNEXATION

SITUATED IN THE SE¼ OF SECTION 28, NW¼ OF SECTION 34,
AND THE NE¼ OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH.



VICINITY MAP
MIDWAY CITY, UTAH
SCALE: N.T.S.



- LEGEND**
- FOUND GOVERNMENT MONUMENT
 - PROPOSED ANNEXATION BOUNDARY
 - CITY BOUNDARY LINES
 - SECTION LINE
 - DEED LINE
 - (M) MEASURED DISTANCE AND BEARING
 - (C) CALCULATED DISTANCE AND BEARING
 - (P*) (A*) RECORD DISTANCE AND BEARING
 - FOUND REBAR AND CAP AS NOTED
 - SET REBAR AND CAP *APEX ENG 10/19099*

APEX Engineering, Inc.
661 N. Main St., Spanish Fork, UT

NORTH
SCALE: 1" = 50'

SURVEYOR CERTIFICATE
I SPENCER J. MCCUTCHEON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENCE NUMBER 10719099 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE CLIENT, A FINAL LOCAL ENTITY PLAT, IN ACCORDANCE WITH SECTION 17-23-20 OF UTAH STATE CODE WAS PREPARED BY ME, OR UNDER MY DIRECTION, THIS ANNEXATION PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE TRACT OF LAND TO BE ANNEXED IN TO MIDWAY CITY LIMITS, COMPLIED FROM THE BEST AVAILABLE RECORDS, AS DEPICTED ON THIS PLAT.
(SEE SEAL BELOW)

BOUNDARY DESCRIPTION
A PARCEL OF LAND THAT LIES FULLY WITHIN THE SOUTHEAST QUARTER OF SECTION 28, AND THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SUBJECT PARCEL CONTAINS 0.712 ACRES OF LAND OF THAT PARTICULAR PARCEL OF LAND THAT IS FOUND IN THE WASATCH COUNTY RECORDERS OFFICE ENTRY NO. 497260 UNDER THE BASIS OF BEARING FOR SUBJECT PARCEL OF LAND IS N. 89° 11' 00" E 2698.67 FEET MEASURED BETWEEN THE WASATCH COUNTY BRASS CAP MONUMENTS MONUMENTING THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER OF SAID SECTION 27, SUBJECT PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE FOUND SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID CORNER BEING THE TRUE POINT OF BEGINNING; RUNNING THENCE S 01° 59' 16" E 137.80 FEET ALONG THE SECTION LINE TO THE SOUTHERLY BOUNDARY LINE OF T. EDWARD MADDEN SURVEY AS FOUND IN THE WASATCH COUNTY SURVEYORS OFFICE AS MAP NO. 575; THENCE ALONG THE BOUNDARY LINES OF SAID SURVEY THE FOLLOWING (6) SIX COURSES: (1) N 89° 38' 21" W 53.01 FEET TO A FOUND REBAR AND CAP MARKED "MADDEN LS 4859", (2) N 00° 54' 28" E 137.40 FEET TO A FOUND REBAR AND CAP MARKED MADDEN LS 4859, (3) N 00° 54' 21" E 269.02 FEET TO A FOUND REBAR AND CAP MARKED MADDEN LS 4859, (4) N 00° 10' 05" E 116.54 FEET TO A SET REBAR AND CAP MARKED PLS 10719099, (5) N 00° 32' 19" W 136.98 FEET TO A SET REBAR AND CAP MARKED PLS 10719099, (6) EAST 49.50 FEET TO THE INTERSECTION OF SAID SURVEY AND THE EASTERLY SECTION LINE OF SAID SECTION 28; THENCE S 00° 44' 26" W 522.54 FEET ALONG SAID SECTION LINE TO THE TRUE POINT OF BEGINNING.
THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 31,011 SQUARE FEET OR 0.712 OF AN ACRE.

ACCEPTANCE BY LEGISLATIVE BODY
WE, THE MAYOR AND CITY COUNCIL OF MIDWAY, UTAH HAVE REVIEWED THE ABOVE SWISS HAVEN ANNEXATION MAP AND BY AUTHORIZATION OF SAID CITY COUNCIL, RECORDED IN THE MINUTES OF ITS MEETING OF _____ DAY OF _____ 20____ HEREBY ACCEPT THE SAID ANNEXATION WITH ALL COMMITMENTS AND ALL OBLIGATIONS PERTAINING THERETO.

APPROVED:
MAYOR
MIDWAY CITY, UTAH
ATTEST:
CITY RECORDERS
MIDWAY CITY, UTAH

WASATCH COUNTY SURVEYOR
THE FINAL LOCAL ENTITY PLAT HAS BEEN REVIEWED AND IS APPROVED IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.
THIS _____ DAY OF _____, A.D. 202____, A.D.
WASATCH COUNTY SURVEYOR _____ DATE _____
(SEE SEAL BELOW)

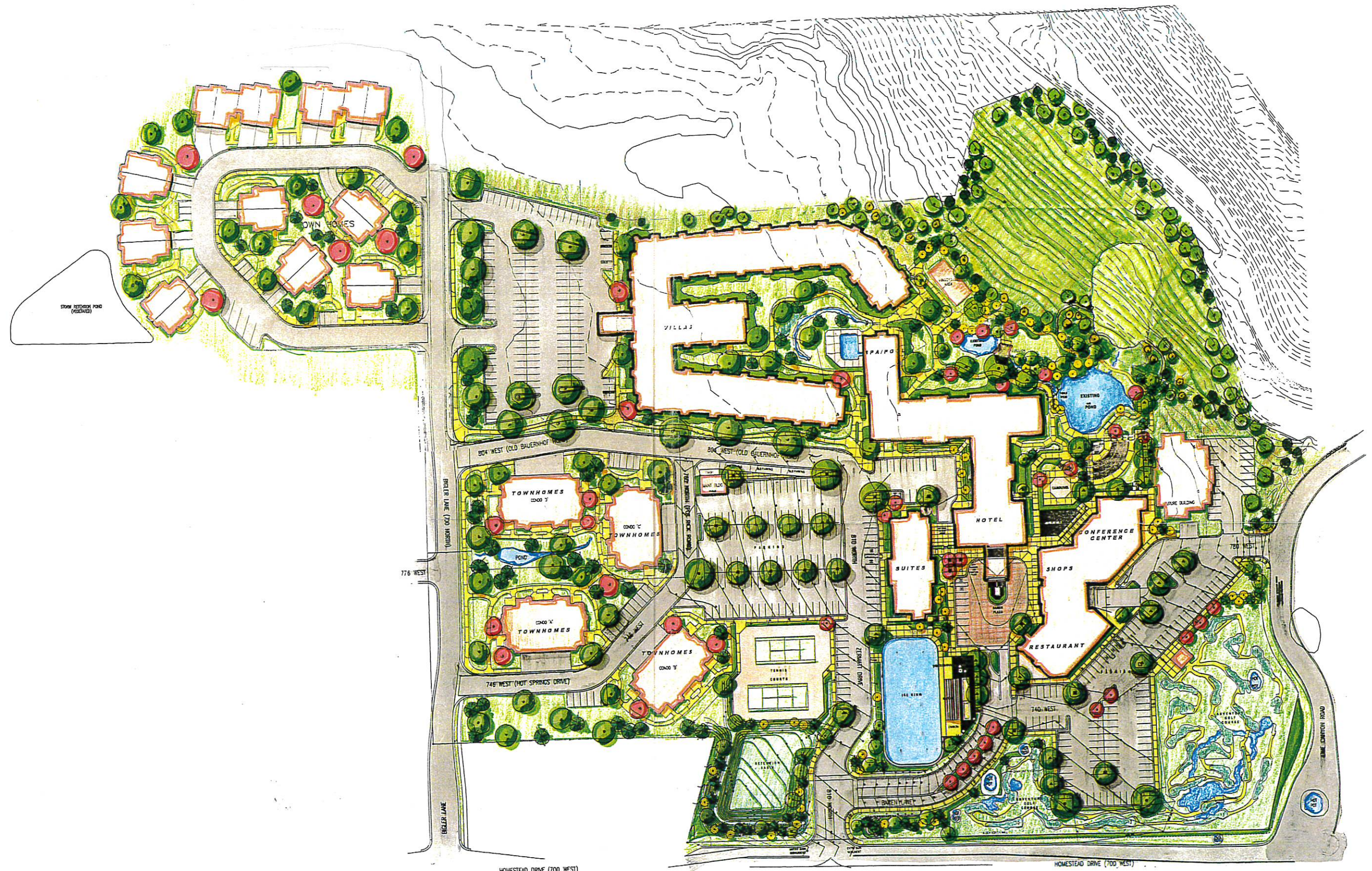
APPROVED AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, A.D. 202____, A.D.
COUNTY ATTORNEY _____ DATE _____

BOUNDARY COMMISSION
POLICY DECLARATION ADOPTED BY LEGISLATIVE BODY OF _____ CITY ON _____
PROTEST FILED BY _____
BOUNDARY COMMISSION ACTION:
ANNEXATION READY TO RECORD: _____
NO PROTESTS RECEIVED: _____
BOUNDARY COMMISSION CHAIRMAN _____

SWISS HAVEN ANNEXATION
LOCATED IN THE SE¼ OF SECTION 28, NW¼ OF SECTION 34, AND THE NE¼ OF SECTION 33,
TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
MIDWAY CITY, WASATCH COUNTY, UTAH

RECORDER SEAL	COUNTY SURVEYOR SEAL	SURVEYOR SEAL

WASATCH COUNTY RECORDING CERTIFICATE
ENTRY # _____ DATE _____ TIME _____
FEE _____ BK: _____ PG: _____ FOR _____
BY _____ COUNTY RECORDER
COUNTY RECORDER'S SIGNATURE _____



ZERMATT

MIDWAY, UTAH
DR. ROBERT FULLER • MATTERHORN DEVEL.













PETITION FOR ANNEXATION

We the undersigned owners of certain real property hereby submit this Petition for Annexation and respectfully represent the following:

1. That this petition and the annexation meet the requirements of the Utah Code and the Midway City Municipal Code.
2. That the real property is described as follows:

Approximate location:

Approximately 850 Bigler Lane Midway, UT 84049 - a portion of parcel 14-1429.

Legal description:

~~A PARCEL OF LAND THAT LIES FULLY WITHIN THE SOUTHEAST QUARTER OF SECTION 28, AND THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SUBJECT PARCEL CONTAINS 0.712 ACRES OF LAND OF THAT PARTICULAR PARCEL OF LAND THAT IS FOUND IN THE WASATCH COUNTY RECORDER'S OFFICE ENTRY NO. 497260 UNDER. THE BASIS OF BEARING FOR SUBJECT PARCEL OF LAND IS N. 89° 11' 00" E 2698.67 FEET MEASURED BETWEEN THE WASATCH COUNTY BRASS CAP MONUMENTS MONUMENTING THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER OF SAID SECTION 27. SUBJECT PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS.~~

~~BEGINNING AT THE FOUND SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID CORNER BEING THE TRUE POINT OF BEGINNING; RUNNING THENCE S 01° 59' 16" E 137.80 FEET ALONG THE SECTION LINE TO THE SOUTHERLY BOUNDARY LINE OF T EDWARD MADDEN SURVEY AS FOUND IN THE WASATCH COUNTY SURVEYOR'S OFFICE AS MAP NO. 575; THENCE ALONG THE BOUNDARY LINES OF SAID SURVEY THE FOLLOWING (6) SIX COURSES: (1) N 89° 38' 21" W 53.01 FEET TO A FOUND REBAR AND CAP MARKED "MADDEN LS 4859", (2) N 00° 54' 28" E 137.40 FEET TO A FOUND REBAR AND CAP MARKED MADDEN LS 4859, (3) N 00° 54' 21" E 269.02 FEET TO A FOUND REBAR AND CAP MARKED MADDEN LS 4859, (4) N 00° 10' 05" E 116.54 FEET TO A SET REBAR AND CAP MARKED PLS 10719099, (5) N 00° 32' 19" W 136.98 FEET TO A SET REBAR AND CAP MARKED PLS 10719099. (6) EAST 49.50 FEET TO THE INTERSECTION OF SAID SURVEY AND THE EASTERLY SECTION LINE OF SAID SECTION 28; THENCE S 00° 44' 29" W 522.54 FEET ALONG SAID SECTION LINE TO THE TRUE POINT OF BEGINNING.~~

~~THE ABOVE DESCRIPBED PARCEL OF LAND CONTAINS 31,011 SQUARE FEET OR 0.712 OF AN ACRE.~~

3. That up to five of the signers of this petition are designated as sponsors, one of whom is designated as the contact sponsor, with the name and mailing address of each sponsor indicated as follows:


<u>Contact Sponsor</u>	<u>Mailing Address</u>
URE FUND 1 SWISS HAVEN HOMES LLC	3400 W MAYFLOWER AVE STE 350 LEHI UT 84043-5870

<u>Sponsor</u>	<u>Mailing Address</u>

4. That this petition is accompanied by the following documents:
 - a. An accurate and recordable plat map, prepared by a licensed surveyor, of the area proposed for annexation. [Exhibit A](#)
 - b. A copy of the notice of intent sent to affected entities. [Exhibit B](#)
 - c. A list of the affected entities to which notice was sent. [Exhibit B](#)
 - d. A representation as to the anticipated timetable for development, if applicable, for the property being annexed. [Exhibit C](#)
 - e. If the proposed area is intended for development, a complete copy of the development concept plan which was filed with the City Planner. [Exhibit D](#)
 - f. Depending on the scope and intensity of the proposed development of the annexation area and the anticipated impact on adjacent lands, a review and analysis of the surrounding property (Municipal Code 9.05.050). [Exhibit C](#)
 - g. A full disclosure statement of all water owned or historically utilized on the property to be annexed. [Exhibit C](#)
 - h. A sensitive lands analysis of the full area being considered for annexation. [Exhibit E](#)
 - i. Such other information as may be required by the City Planner to enable the staff to prepare an annexation impact report.
5. A copy of this petition and the accompanying map was also delivered or mailed to the Wasatch County Clerk and the chair of the Midway City Planning Commission.
6. That the petitioner(s) request the property, if annexed, be zoned **Resort Zone - RZ**.
[See also Exhibit C](#)
7. That this petition contains the following signatures of the owners of private real property that:
 - a. Covers a majority of the private land area within the area proposed for annexation.
 - b. Is equal in market value to at least 1/3 of the market value of all private real property within the area proposed for annexation.

- 8. If the property is owned by a public entity other than the federal government, the signature of the owner of all of the publicly owned property within the area proposed for annexation.

Notice: There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election. If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Midway City. If you choose to withdraw your signature, you shall do so no later than 30 days after Midway City receives notice that the petition has been certified.

<u>Petitioner</u>	<u>Signature</u>	<u>Acres</u>	<u>Market Value</u>	<u>Serial Number</u>
URE FUND 1 SWISS HAVEN HOMES LLC	 <small>John Briggs Jun 30, 2024 09:08 EST</small>	.712		14-1429

Notice: There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election. If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Midway City. If you choose to withdraw your signature, you shall do so no later than 30 days after Midway City receives notice that the petition has been certified.

Exhibit B

HOFFMAN_{LAW}

November 1, 2023

NOTICE OF INTENT TO FILE ANNEXATION PETITION

Petitioner: URE FUND 1 SWISS HAVEN HOMES LLC

Parcel #: A portion of parcel 14-1429

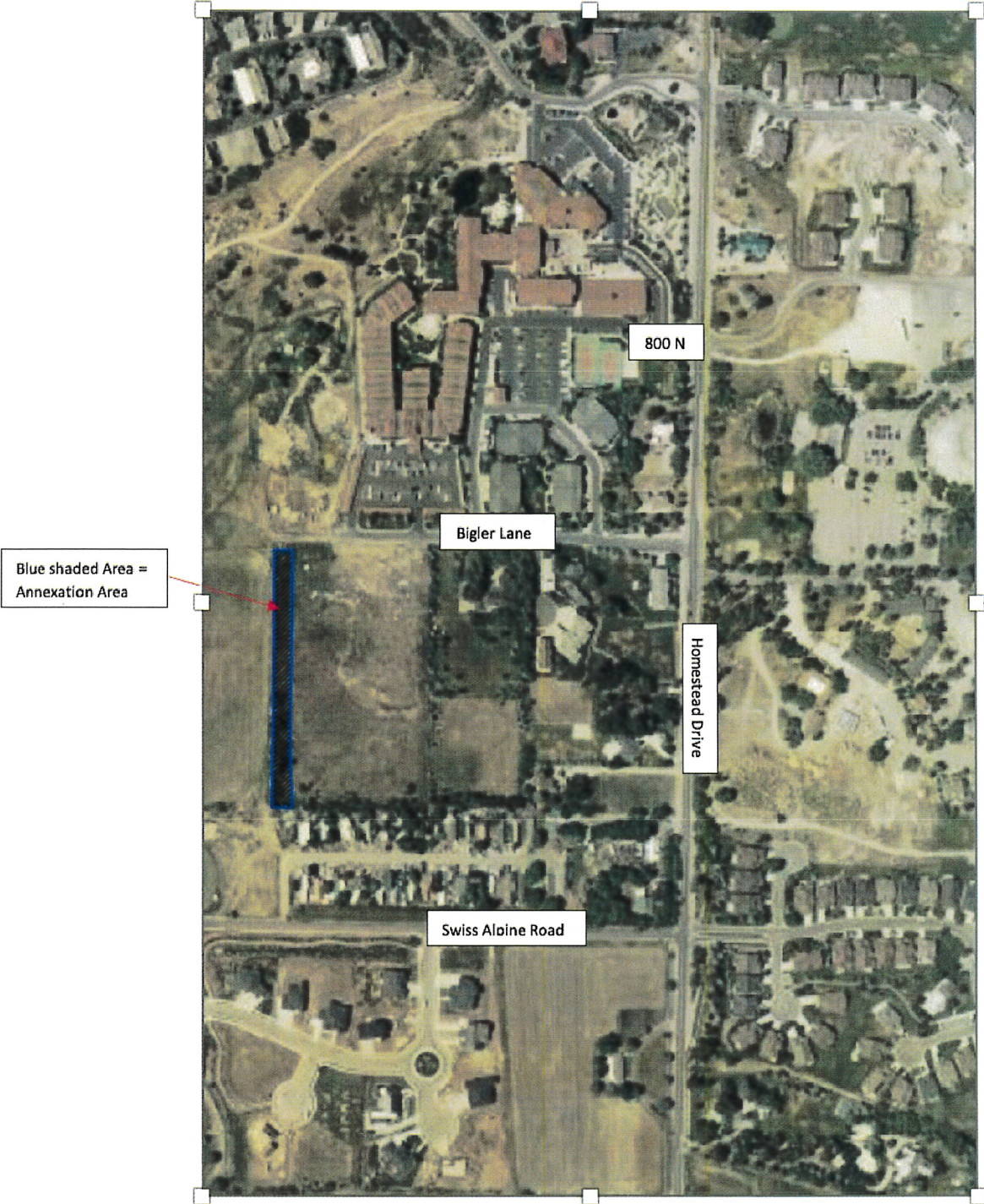
Location of property to be annexed: Approximately 850 Bigler Lane Midway, UT 84049

Size of Property to be annexed: approximately .71 acres

See map on second page.

Attention:

The real property owners of Parcel 14-1429 hereby provide notice of its intent to petition that the above-described lands and territory in Wasatch County, Utah be annexed to the City of Midway. In support of this Petition, the petitioners respectfully declare and represent that it is the sole owner of the private real property located within the described territory, it owns 100% of the value of all said territory as shown by the last assessment rolls of Wasatch County, Utah, and that said territory lies contiguous to the corporate limits of the City of Midway, a municipal corporation of Utah.



Property Owners within 300 feet of potential portion of parcel 14-1429 annexation

1. Lundin Farms LLC
PO Box 226
Midway, UT 84049-0226
Parcels: 07-5726, 07-5361, 06-1890, 20-7234, 20-7236

2. Lundin Land Company, LLC
PO Box 226
Midway, UT 84049-0226
Parcels: 06-2930, 06-2948

3. Zion Investment Corporation
3435 South State Street
Salt Lake City, UT 84115-4528
Parcels: 06-2955, 07-5734

4. Legacy Resorts, LLC
784 Resort Drive
Midway, UT 84049-6463
Parcels: Zermatt Resort Plat A Common Area (no parcel number)

Exhibit C

4 (d). Timetable for Development

Upon annexation, the property owner would begin horizontal improvements immediately and anticipates a 4-month timeframe for completion of such improvements. Vertical Construction is estimated to take roughly 16 months to complete with a 1-month stagger between the beginning of construction on each building.

4(e). Development Concept Plan. The application is working with City Staff to make minor adjustments to the previously approved Swiss Haven Plat (see Exhibit D).

4(f). Intensity of Proposed Development.

The .712-acre annexation area will largely serve as the rear yard setback for 8 units of an approved, 22-unit resort development. Only a small portion of 8 approved structures will be constructed within the annexation area. The approved resort subdivision borders the east side of the annexation area. There is agricultural property to the west. The Zermatt Resort borders the north portion of the annexation area, across Bigler Lane. The Swiss Heights Mobile Home Park borders a small portion of the southern boundary.

4(g). Water for Development

The water rights for the project were reviewed by the City and the State Engineer's Office through change applications associated with rights 55-1270, 55-5476, and 55-9110. These water rights are currently in City sources and will be dedicated to the City prior to recordation of any plat. In 2000, the Water Advisory Board approved 12.89 shares of Midway Irrigation equivalent to 38.67 ac/ft for use as both culinary and outside irrigation at this project.

Requested Zoning Designation

The owner requests that the portion of Parcel 14-1429 proposed to be annexed be designated as Resort Zone, like the rest of parcel 14-1429 that is already within Midway City.



DATE: November 28, 2023

TO: Nathan Dye, PE
UBA Development

FROM: Pei Huang, PhD, PE
Atrium Architecture, Engineering & Design

SUBJECT: Sensitive Lands Analysis Memo - Swiss Haven PUD

Boundary description: Swiss Haven PUD (Parcel NO. 00-0014-1429) is a parcel of land that lies fully within the southwest quarter of section 27. The southeast quarter of section 28, the northeast quarter of section 33, and the northwest quarter of section 34. Township 3 south, range 4 east. Subject parcel contains 5.99 acres of land of that particular parcel of land that is found in the Wasatch County recorder's office entry NO. 497260 under. The basis of bearing for subject parcel of land is N.89°11'00"E 2698.67 feet measured between the Wasatch county brass cap monuments monumenting the south line of the said southwest quarter of said section 27.

After conducting a comprehensive review of **CHAPTER 16.14 SENSITIVE LANDS OVERLAY ZONE** within the Midway Municipal Code, which encompasses its extensive sections and guidelines, we have determined that the property referenced in the "Boundary Description" is not sensitive land.

This analysis includes considerations of:

- Development restrictions in hillside, ridgeline, and bench areas.
- Regulations concerning streams, waterways, ditches, wetlands, and other water resources.
- Preservation and replacement policies for trees and vegetation.
- Protection policies for springs and wells.
- Unique geological and hydrological features of the area.
- Wildlife habitats and the preservation of natural landscapes.

This thorough assessment ensures that our classification and understanding of the property are in full alignment with the city's requirements and standards for the protection of sensitive lands, while also considering the property's development potential.

Please do not hesitate to contact us if you have any questions or require any further information.



Midway

ORDINANCE

2024-_____

AN ORDINANCE TO ANNEX A 0.71 ACRE PORTION OF WASATCH COUNTY PARCEL 14-1429 INTO MIDWAY CITY AS PART OF THE SWISS HAVEN PLANNED UNIT DEVELOPMENT.

WHEREAS, pursuant to Utah Code Ann. § 10-2-401 *et. al.*, the Midway City Council may consider petitions to annex real property into the City's boundaries; and

WHEREAS, URE Fund 1 Swiss Haven Homes LLC, the owner and developer of the Swiss Haven Planned Unit Development, has petitioned the City Council to annex a 0.71 acre portion of Wasatch County Parcel 14-1429 into Midway City; and that was previously believed to have been annexed into Midway City, but was not; and

WHEREAS, while it was previously believed that all of Parcel 14-1429 was already within Midway City's boundaries, this 0.71 acre portion was not; and

WHEREAS, the area petitioned to be annexed is allowed under State Code as it is in the Midway Growth Boundary, will not create an island or peninsula, and the petitioner desires to annex the area to continue developing the Swiss Haven P.U.D. which was approved by the City over two decades ago.

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

The 0.71 acre portion of Wasatch County Parcel No. 14-1429 not currently annexed into Midway City shall be annexed into Midway City as part of the Swiss Haven Planned Unit Development. To be consistent with the rest of Parcel 14-1429 that is already within Midway City, the annexed area shall be zoned as Resort Zone (RZ).

This ordinance shall take effect upon publication as required by law.

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2024.

	AYE	NAY
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member Craig Simons	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)