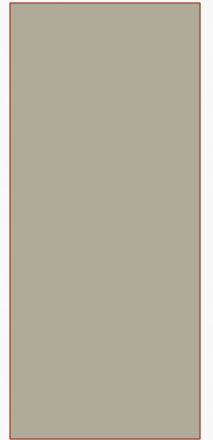


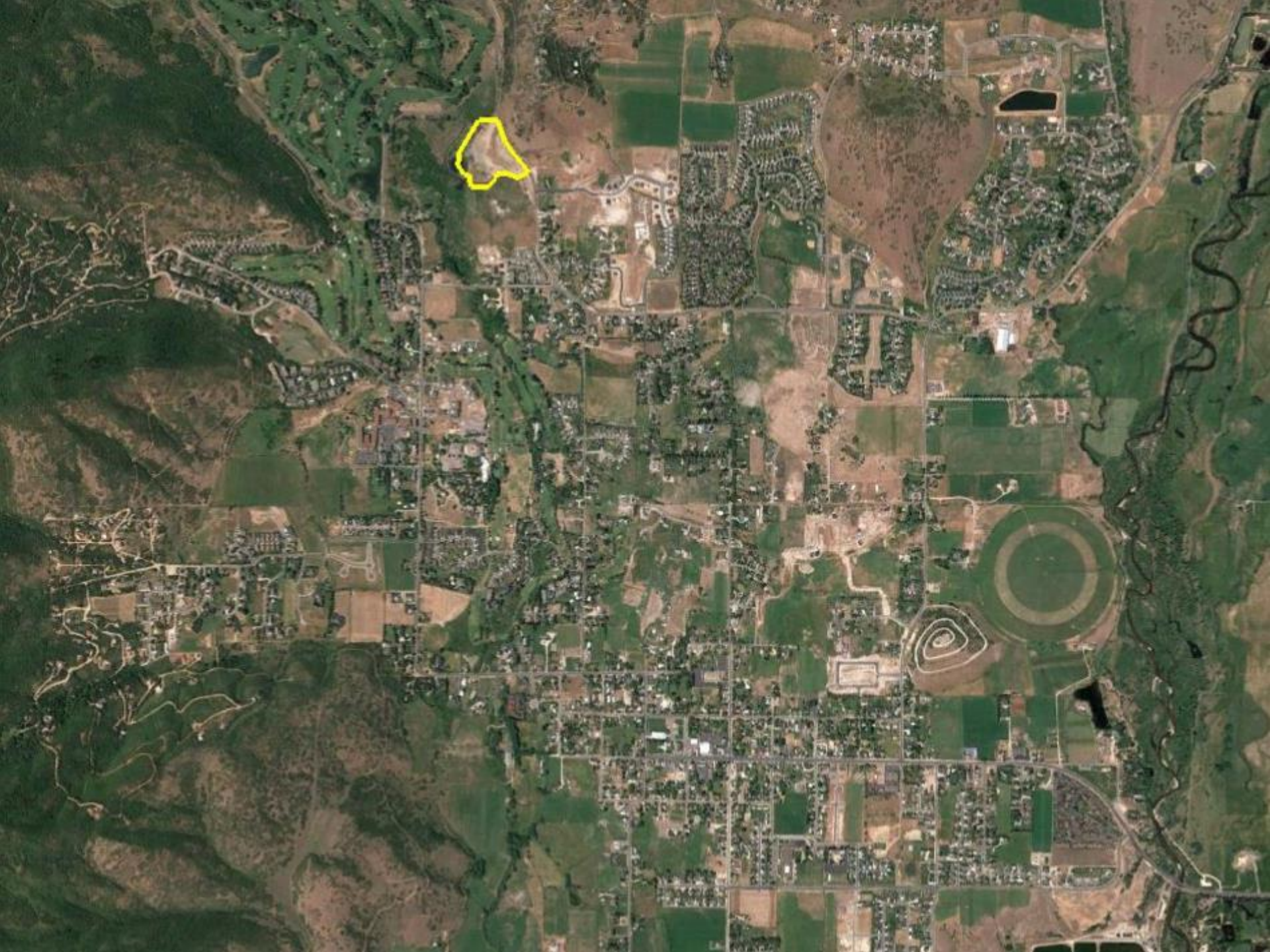
# HOT SPRINGS ANNEXATION

ORDINANCE 2021-11



# LAND USE SUMMARY

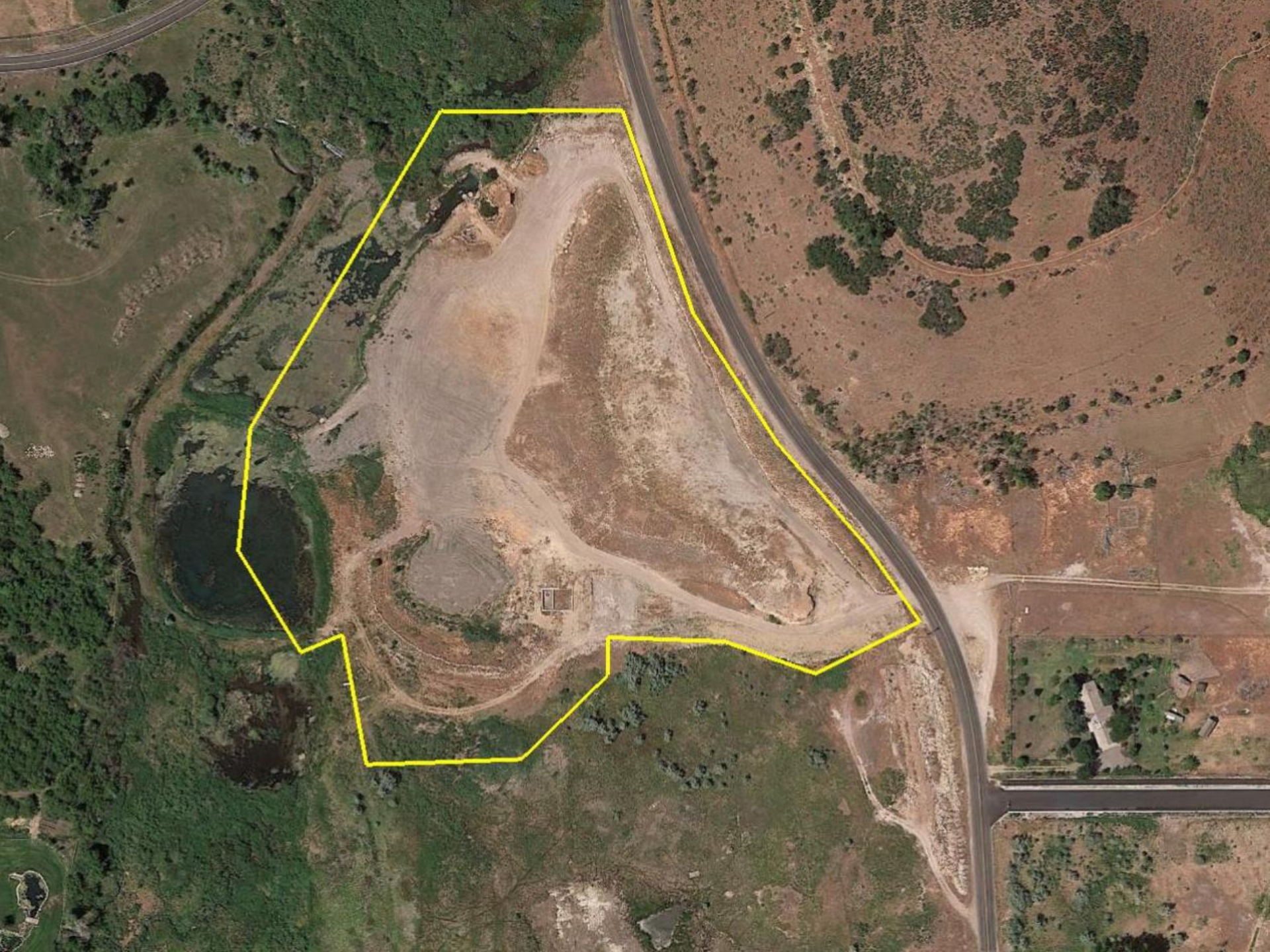
- 12.26 acres
- RA-1 Wasatch County Zoning
- Possible City Zoning of RZ or RA-1-43
  - Petitioner has requested RZ







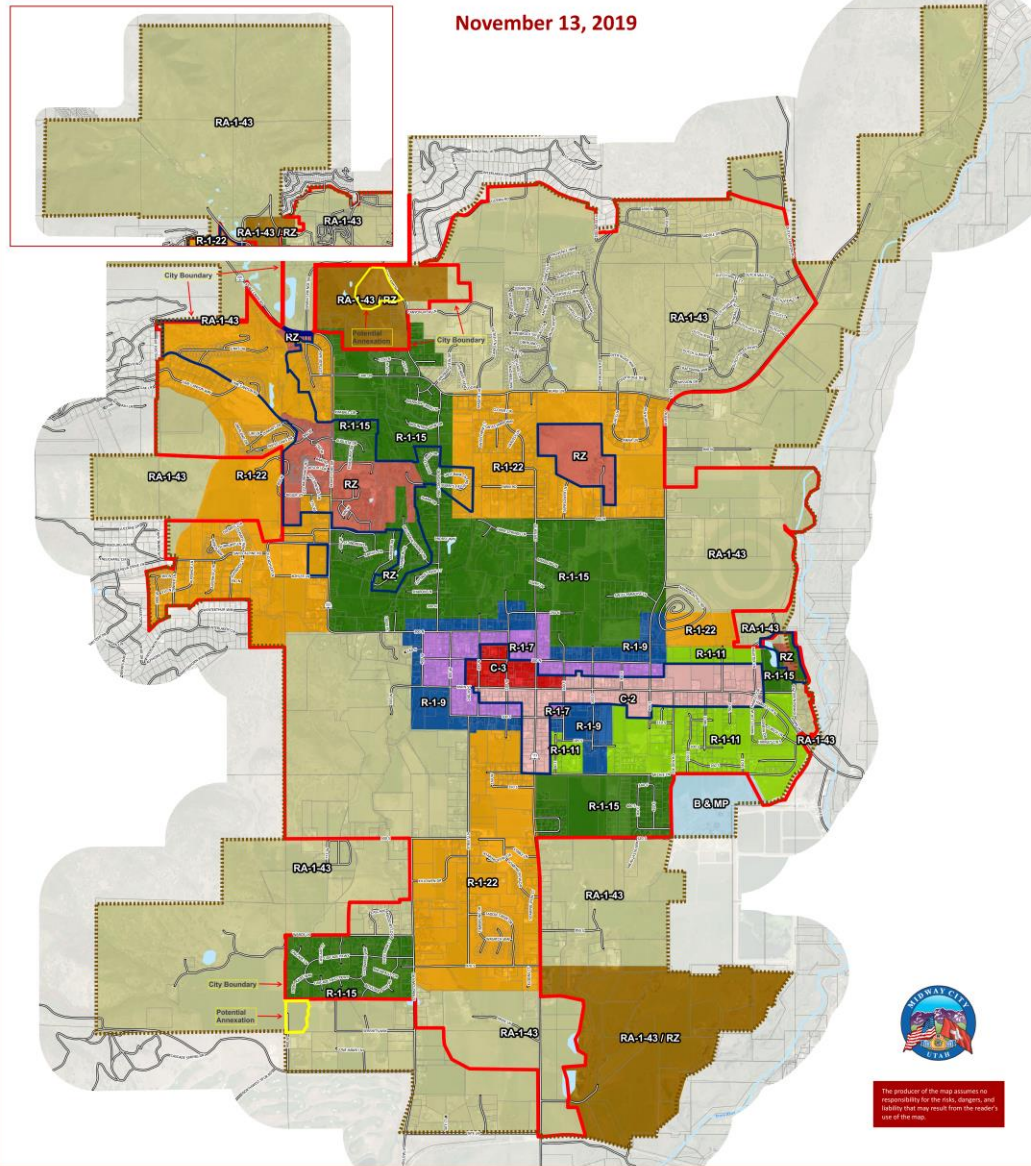






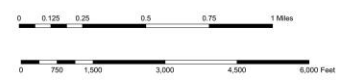
# MIDWAY CITY - Land Use

November 13, 2019



The producer of the map assumes no responsibility for the use, changes, and liability that may result from the reader's use of the map.

- Legend**
- Midway Growth Boundary Zoning
  - TRCD
  - Midway City Boundary
  - Rivers
  - Roads
  - Water Body
  - B & MP
  - C-2
  - C-3
  - R-1-11
  - R-1-15
  - R-1-7
  - R-1-9
  - RA-1-43
  - RZ
  - RA-1-43 / RZ
  - R-1-22



**MAG**  
Expert Resources. Enriching Lives.

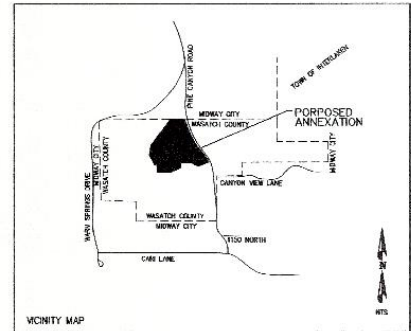
Map Produced for Midway City, GIS/IT/Map Services  
Midway City, Texas  
Map Production Date: March 2019  
Map Producer: Midway City, Texas  
Data Source: Midway City, Texas







LOCATED IN SECTION 27 TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT  
LAKE BASE & MERIDIAN.



 MIDWAY CITY LIMITS  
 ADJOINING OWNERS  
 SURVEY BOUNDARY  
 EXISTING FENCE  
 FOUND SECTION CORNERS (AS NOTED ON DRAWING)

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	(CHORD)	BEARING	TANGENT
C1	127.71'	574.00'	12°44'52"	127.45'	S33°53'43"E	64.12'
C2	142.00'	54.00'	10°17'26"	141.79'	S34°52'27"E	71.21'
C3	359.45'	1880.00'	10°57'17"	358.90'	S24°00'06"E	180.22'

THE BASIS OF BEARING IS SOUTH 89°45'07" WEST BETWEEN THE FOUND WASATCH COUNTY BRASS CAP MARKING THE NORTH  $\frac{1}{4}$  CORNER OF SECTION 27 AND THE FOUND WASATCH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN.

[illegible]

AREA = 12.26 ACRES

I, IMY L. TAYLOR, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 885412 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO MIDWAY CITY, WASATCH COUNTY, UTAH.

SUBMITTER \_\_\_\_\_ DATE \_\_\_\_\_

THIS IS TO CERTIFY THAT THE UNDERSIGNED MIDWAY CITY COUNCIL HAVE ADOPTED A RESOLUTION OF ITS INTENT TO ANNEX THE TRACT OF 1 AND SHOWN HEREIN AND HAVE SUBSEQUENTLY ADOPTED AN ORDINANCE ANNEXING SAID TRACT INTO MIDWAY CITY, UTAH, AND THAT A COPY OF THE ORDINANCE HAS BEEN FORWARDED FOR FILING HEREWITH AS IN ACCORDANCE WITH UTAH CODE SECTION 16-2-408 AS REVISED AND THAT IT HAVE FORMERLY BECOME A PART OF THE CITY AND TOWNSHIP OF MIDWAY CITY, UTAH, AND SAID TRACT IS TO BE KNOWN AS THE HOT SPRINGS ANNEXATION.

BOARD HAS	DAY OF	RECORDED'S SEAL
WAYER	DATE	
CITY ATTORNEY	DATE	
CITY ENGINEER	DATE	
ATTEST:		
CITY RECORDER	DATE	

APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
(OF \_\_\_\_\_ 20\_\_\_\_)

ROS  $\neq$  \_\_\_\_\_

COUNTY SURVEYOR

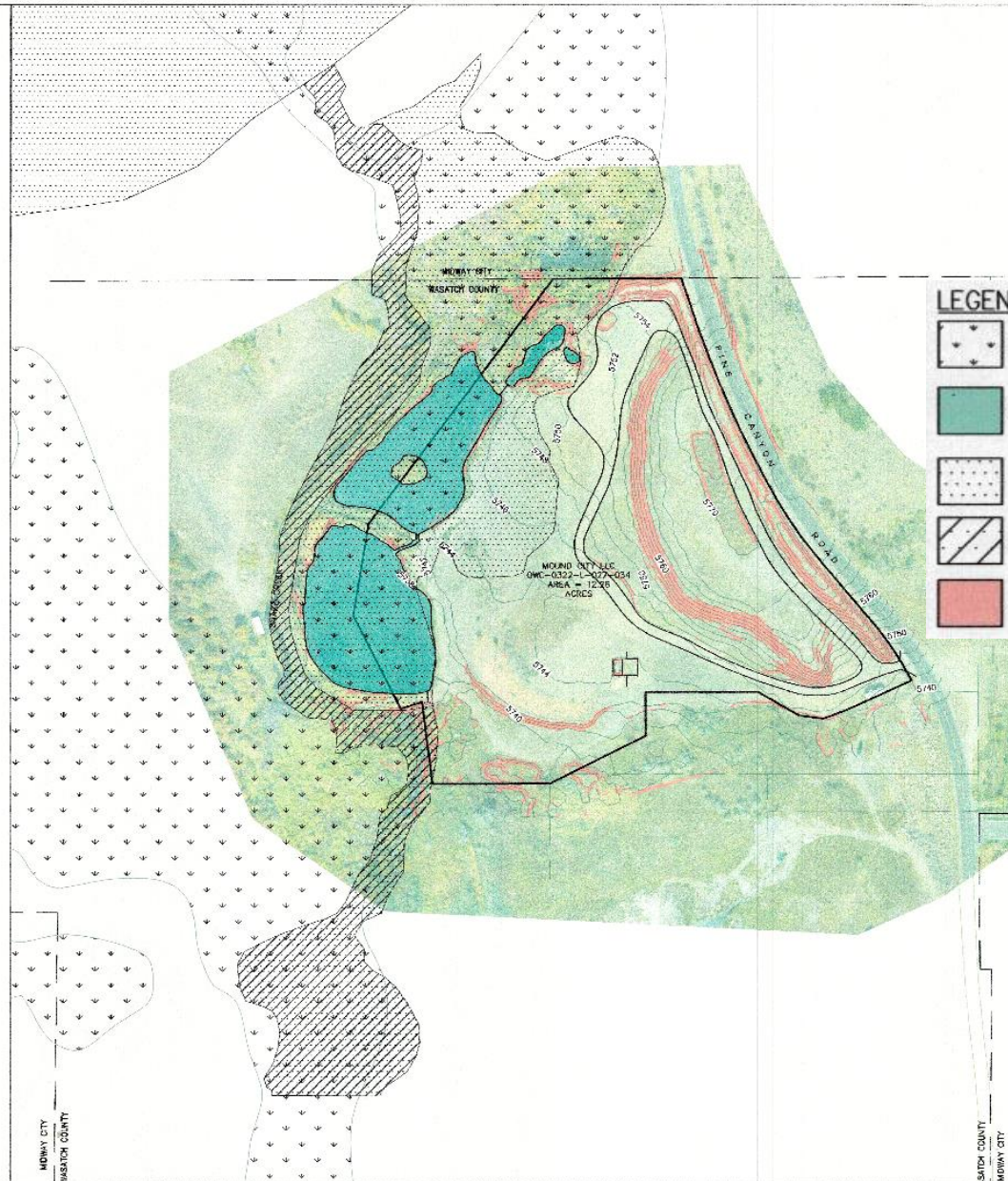
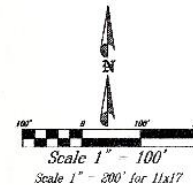
## HOT SPRINGS ANNEXATION

DATE: NOVEMBER 2020






DRAWING NO.  
OF ANNEX FLAT

SHEET NO.  
1 OF 1





**LEGEND**

-  WETLANDS PER U.S. FISH AND WILDLIFE NATIONAL WETLANDS INVENTORY
-  EXISTING PONDS AND HOT POOLS
-  100 YEAR FLOOD AREA (ZONE AE)
-  FLOODWAY  
(THE FLOODWAY IS THE CHANNEL OF A STREAM PLUS AN ADJACENT FLOOD PLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.)
-  25%+ SLOPE

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SHOWN AND SIGNED. PAUL G. BERG, P.E. PERMIT NO. 2852000 DATE: 19 NOV 2020

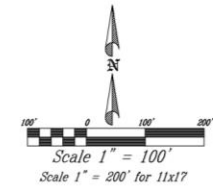
WHITAKER  
HOT SPRINGS ANNEXATION

SENSITIVE LANDS MAP

**BERG ENGINEERING**  
REFERENCE GROUP P.C.  
360 E. Main St. Suite 200  
Midway, UT 84049  
PH: (435) 667-9749

DESIGN BY: TON  
DRAWN BY: PLB  
DATE: 19 NOV 2020  
SHEET: 1





- LEGEND**
- WETLANDS PER U.S. FISH AND WILDLIFE NATIONAL WETLANDS INVENTORY
  - EXISTING PONDS AND HOT POOLS
  - 100 YEAR FLOOD AREA (ZONE AE)
  - FLOODWAY (THE FLOODWAY IS THE CHANNEL OF A STREAM PLUS AN ADJACENT FLOOD PLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.)

**NOTES**

ZONING:	RESORT ZONE
RESORT USES:	LODGE/LARGE RENTAL HOME SMALL RENTAL CABINS MINERAL POOLS
NUMBER OF BEDROOMS:	LODGE 5 CABINS 6 11
LAND USES:	
BUILDINGS	0.31 ACRES
DRIVEWAYS	0.88 ACRES
OPEN SPACE	11.07 ACRES
TOTAL	12.26 ACRES

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.

PAUL D. BERG P.E.  
SERIAL NO. 285595  
DATE: 19 NOV 2020

WHITAKER  
HOT SPRINGS ANNEXATION

CONCEPT PLAN

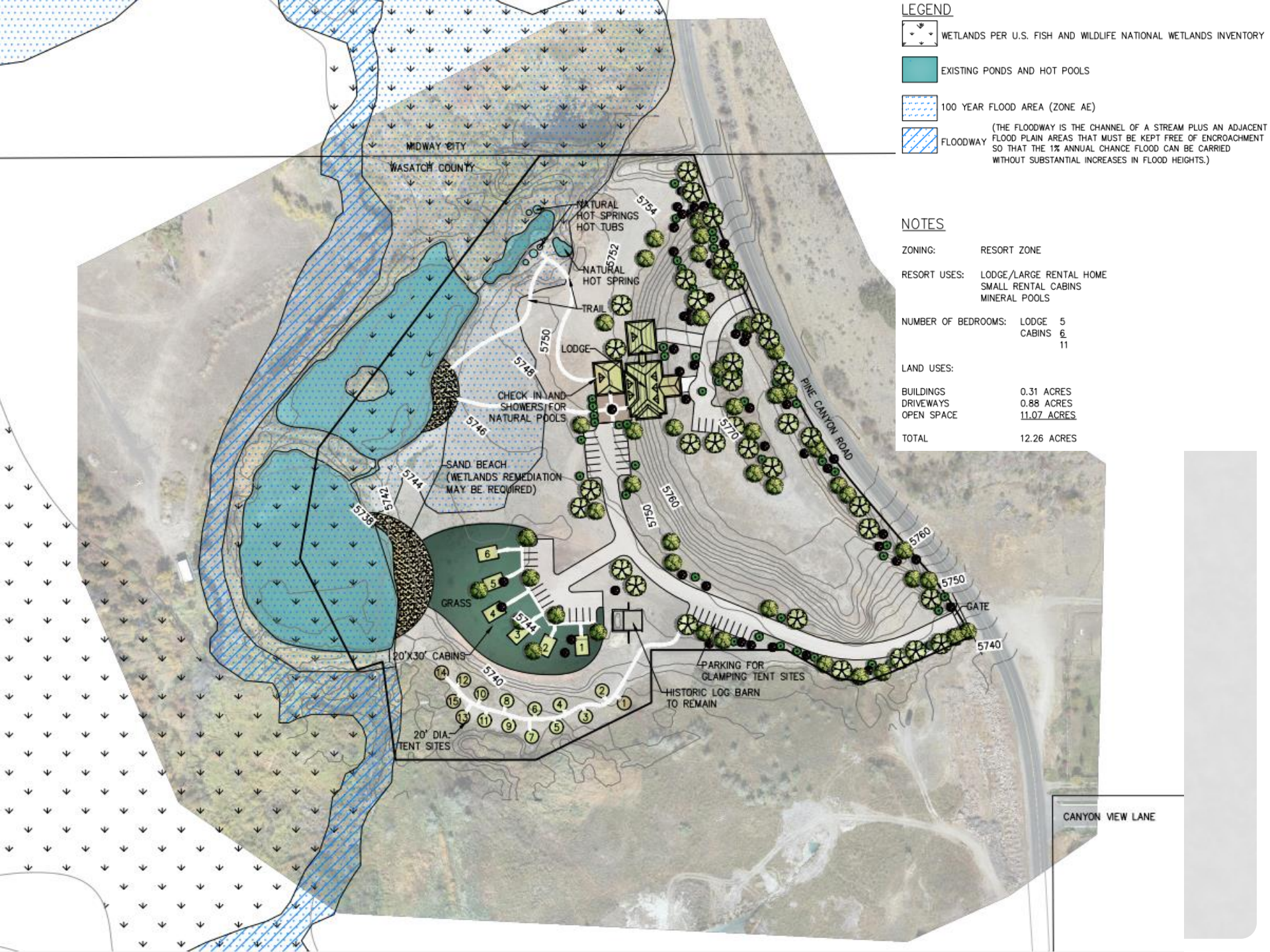
**BERG ENGINEERING**  
RESOURCE GROUP P.C.  
380 E Main St. Suite 204,  
Midway, UT 84049  
ph: (435) 657-9249

DESIGN BY: PDB  
DRAWN BY: DAW

DATE: 16 FEB 2021  
REV: 1

SHEET 1







# UTAH STATE CODE

Utah State code allows for the annexation of a portion of an unincorporated island as outlined below in 10-2-418:

*(3) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a portion of an unincorporated island or unincorporated peninsula under this section, leaving unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:*

*(a) in adopting the resolution under Subsection (5)(a) the municipal legislative body determines that not annexing the entire unincorporated island or unincorporated peninsula is in the municipality's best interest; and*

*(b) for an annexation of one or more unincorporated islands under Subsection (2)(b), the entire island of unincorporated area, of which a portion is being annexed, complies with the requirement of Subsection (2)(b)(ii) relating to the number of residents*



# UTAH STATE CODE

*Subsection (2)(b)(ii) states the following:*

*(ii)(A) the area to be annexed consists of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800 residents; and: **Fewer than 800 people** are within the area to be annexed.*

*(B) the **municipality has provided one or more municipal-type services to the area for at least one year**;: Beginning in May 2020, Midway City assumed road maintenance and snow plowing responsibilities for the section of Pine Canyon Road that the applicants property fronts.*



# ITEMS OF CONSIDERATION

- The City gains control over zoning once an area is annexed. This helps the city assure that uses on the property will be in harmony with the General Plan. If the City does not annex a parcel, then the owners may develop in the County using the County's land use code.
- The most recent applicants for annexation to Midway have contributed to the parks fund. The average cost per acre annexed into Midway has paid \$589.11. Therefore, if following the model of previous annexations, the required parks annexation donation fee is \$7,222 that would be paid before the recording of the annexation plat.
- The City's Master Trail Plan has a detached 8' paved trail that will run along the west side of Pina Canyon Road. Staff is recommending that the trail is not constructed at this time because there is not a trail connection to the north or south of the development. Staff recommends that that a 50' public trail easement is dedicated to the City when the property is annexed and the funds to build the trail are paid to the City and those funds are added to the trails general fund. Once the City decides it is appropriate to build the trail, most likely because trails are built to the north or south of the annexation, then the City will use the funds to build the trail on the public trail easement.



# PLANNING COMMISSION RECOMMENDATION:

**Motion:** Commissioner Garland: I make a motion that we recommend approval of the annexation of the Hot Springs property and is 12.26 acres. The property is in the Midway Growth Boundary and located west of Pine Canyon Road and north of Cari Lane. The proposed zoning for the property is RZ (Resort Zone). We accept the findings and agree that this should be zoned RZ.

**Seconded:** Commissioner Ream

**Chairman Bouwhuis:** Any discussion on the motion?

**Chairman Bouwhuis:** All in favor.

**Ayes: Commissioners:** Bouwhuis, Wardle, Garland, Ream, Cliften and Simons

**Nays:** None

**Abstained:** None

**Motion:** Passed



# POSSIBLE FINDINGS

- The City will gain control over land use and zoning if the area is annexed.
- The proposal is a legislative action.
- The proposal will increase traffic to the area.
- The proposed commercial and nightly rental uses would have a positive impact on the city's tax base.
- The intensity of uses is relatively low compared to what could happen on the property. This will help promote the vision of the general plan to preserve open space and a rural atmosphere.
- Utah State Code allows for the annexation of a portion of an unincorporated island if certain criteria are met.
- The trail planned along Pine Canyon Road will help complete the trails master plan that will benefit the community.

# PROPOSED CONDITIONS

1. A 50' public trail easement is dedicated to the City when the property is annexed and the funds to build the trail are paid to the City and those funds are added to the trails general fund.
2. The applicant pays a parks annexation fee of \$7,222.