



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** August 16, 2017  
**NAME OF PROJECT:** Lundin Annexation  
**NAME OF APPLICANT:** Lundin Farms  
**AGENDA ITEM:** Annexation  
**LOCATION OF ITEM:** 900 West Swiss Alpine Road  
**ZONING DESIGNATION:** R-1-22

### **ITEM: 5**

Lundin Farms is requesting annexation of 3.77 acres of property located at 900 West Swiss Alpine Road. The proposed zoning for the property is R-1-22.

### **BACKGROUND:**

Lundin Farms has petitioned the City to annex 3.77 acres that will be zoned R-1-22 (half acre), if approved by the City Council. Currently the property is located in the County and is zoned RA-1 (one acre). 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. Those items will be discussed in the analysis section of this report. Currently the City boundary runs along the three sides of the proposed annexation.

The annexation contains one parcel:

<u>Property Owner</u>	<u>Tax ID#</u>	<u>Signed</u>	<u>Petition Acres</u>	<u>Market Value</u>
Lundin Farms	OWC-0368-0	Yes	3.77	\$ 143,500

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. 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 petitioners 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 it is not bound to the same rules that an administrative process is bound to. The average amount that has been donated to the park fund from petitioners of annexations is \$589.11 per acre. For the 3.77 acres, the total would be \$2,220.94 that would be donated if calculated using the average amount per acre.

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 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 plat map has been submitted and is attached to this report. Also, a proposed development plan has been submitted and does not include any sensitive lands.*

- C. Identification of current and potential population of the area and the current residential densities: *Currently there are no dwellings on the property. The current county zoning is RA-1 which allows one lot per acre and potentially, if developed in the county, there could be three lots. The development potential of the area if annexed into the City and given the R-1-22 zoning, is six building lots.*
- D. Land uses presently existing and those proposed: *Currently the land in the area is being used for agricultural purposes. If annexed into the City, the proposed land use is residential.*
- E. Character and development of adjacent properties and neighborhoods: *The properties surrounding the proposed annexation are mostly agricultural in nature with residences dispersed in the area. There is also a legal nonconforming trailer park located to the east that can be characterized as having higher density than the current zoning allows.*
- 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 R-1-22 which is a half-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 developer does plan to subdivide the property into lots that are half acre in size or larger which does comply with the vision of the general plan in this area. The General Plan promotes in the Land Use Goals and Guidelines section of the General Plan the following:*
- Guideline 3: Maintain and enhance the pleasing appearance and environmental quality of existing residential neighborhoods.*
- Goal 2: Encourage open space to preserve a high quality of life and to preserve Midway's rural atmosphere.*
- These statements should be applied to the annexation area and the surrounding area to promote the goals of the General Plan. The open space in the proposed subdivision should be relocated along Swiss Alpine Road so that the entire community can enjoy the open space and rural atmosphere. Also, the area fronting the trailer park should be beautified to comply with the goals of the General Plan.*
- H. Assessed valuation of properties within the annexation area: *The property within the annexation area is an agricultural area and is currently taxed as green belt. Once the property is developed the roll back taxes will be paid and it will be taxed as a developed subdivision.*

- 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 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. Also, the City will remove snow from any public streets and will maintain the roads and water lines in the area. These services cost the City money and though property taxes from the new residents will help offset that cost the City will need to have some commercial development and the sales taxes collected from the sales generated to help offset those new costs. That is assuming that the new growth will help increase sales in Midway by increasing activity in the current Midway stores or will help new businesses establish in Midway. It is unknown what the impact of the new homes will have but we do know the City's cost will increase because of the new growth. The City does have water lines in the immediate area of the annexation and other utilities are located nearby.*
- 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. Currently the proposed annexation area is a peninsula that juts into the City, by annexing the area the City boundary will feel more "normal". It is staff's experience that many people and residents already assume the area is part of the City.*
- K. A proposed timetable for extending municipal services to the area and recommendation on how the cost thereof will be paid: *City services are in the area of the boundary of the annexation. The developer will need to build the infrastructure for the development so the City will incur no development cost, only maintenance cost, 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 be like other developments in the general area. Generally residential development does not pay enough in taxes to cover the cost of the services provided by the City. In very general terms, and as described in the City's General Plan, for every dollar the City collects from a residence the City pays \$1.16 to provide services. Therefore, commercial growth is important for the City which helps offset this unbalanced revenue versus cost.*
- M. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed: *The petitioner is the only entity that will be impacted by increased taxes. The property will no longer be taxed as green belt once a plat is recorded on the property.*

- 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. The County does want the City to now maintain the area of Stringtown Road that fronts the annexation area.*
- O. Location and description of any historic or cultural resources: *No issues have been identified.*

#### Additional Items of consideration

- Lundin Farms owns other property in the area including the trailer park to the east. With this proposed annexation and other proposed development in the area, the community has an opportunity to implement goals from the General Plan. General Plan the following:

Guideline 3: Maintain and enhance the pleasing appearance and environmental quality of existing residential neighborhoods.

Goal 2: Encourage open space to preserve a high quality of life and to preserve Midway's rural atmosphere.

These statements should be applied to the annexation area and the surrounding area to promote the goals of the General Plan. The open space in the proposed subdivision should be relocated along Swiss Alpine Road so that the entire community can enjoy the open space and rural atmosphere. Also, the area fronting the trailer park should be beautified to comply with the goals of the General Plan.

- A second access is required as part of the City's adopted standards specification and drawings. Currently, there are hundreds of units that only have one access which is Swiss Alpine Road. This development will add 11 (five from the annexation area and six from property already located in the City) more lots on a large cul-de-sac. Staff feels this is not sound planning and it is a safety issue to extend the road system in this situation. The City's Master Transportation Plan does plan for Bigler Lane to connect to Olympic Way in the future but there is no time table for when this connection will be made. The connecting of these two roads will create a second access for all the lots located in the City that access on Swiss Alpine Road. The developer could help with this issue by deeding and building a secondary access road. The City should consider this safety issue when considering the annexation.

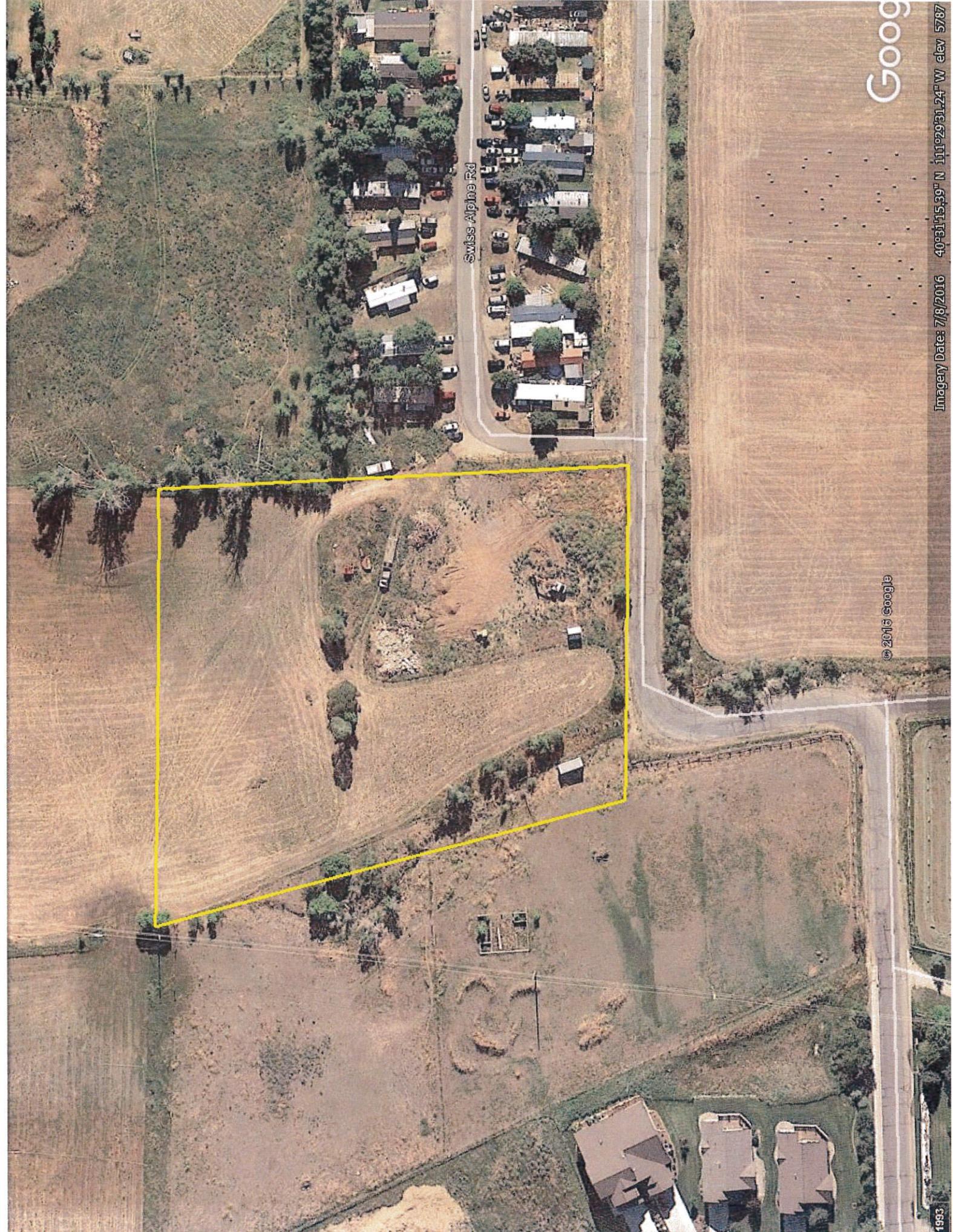
- The City gains control over zoning once an area is annexed. This helps the city assure that uses on the property will be in harmony with the General Plan. If the City does not annex a parcel, then the owners may develop in the County using the County's land use code.

**POSSIBLE FINDINGS:**

- The City will gain control over land use and zoning if the area is annexed.
- The proposal is a legislative action.

**ALTERNATIVE ACTIONS:**

1. Recommendation of approval of the annexation. This action can be taken if the Planning Commission 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 feels 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 of the annexation. This action can be taken if the Planning Commission feels that the request is not in the best interest of the community.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial



Swiss Alpine Rd

© 2015 Google

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Imagery Date: 7/8/2016 40°31'15.39" N 111°29'31.24" W elev 5787

1993





# PETITION FOR ANNEXATION

RECEIVED

APR 25 2017

BY: MW

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:

900W Swiss Alpine Rd.

Legal description:

see attached

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:

Contact Sponsor

Mailing Address

Nora Lundin

412W 200 N Heber UT

84032

801-472-6189



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**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, MIDWAY, WASATCH COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 33, THENCE NORTH 89°49'21" WEST 45.99 FEET ALONG THE NORTH LINE OF SAID SECTION 33 TO THE POINT OF BEGINNING; THENCE SOUTH 00°54'28" WEST 137.60 FEET; THENCE SOUTH 89°38'21" EAST 52.95 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 33; THENCE SOUTH 01°59'13" EAST 260.78 FEET ALONG SAID EAST LINE OF SECTION 33 TO A POINT ON THE NORTH LINE OF THE KOHLER ANNEXATION PLAT, ENTRY NUMBER 178795, RECORDED IN THE WASATCH COUNTY RECORDER'S OFFICE, AND THE MIDWAY CITY LIMITS; THENCE ALONG THE NORTH LINE OF SAID KOHLER ANNEXATION PLAT AND MIDWAY CITY LIMITS THE FOLLOWING TWO (2) COURSES: (1) SOUTH 85°47'04" WEST 292.22 FEET, (2) SOUTH 84°03'17" WEST 36.81 FEET TO A POINT ON THE EAST LINE OF THE HILL ANNEXATION PLAT, ENTRY NUMBER 233241, RECORDED IN THE WASATCH COUNTY RECORDER'S OFFICE, AND SAID MIDWAY CITY LIMITS; THENCE ALONG THE EAST LINE OF SAID HILL ANNEXATION PLAT AND CITY LIMITS THE FOLLOWING TWO (2) COURSES: (1) SOUTH 84°03'17" WEST 33.43 FEET, (2) NORTH 15°10'39" WEST 444.07 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 33; THENCE SOUTH 89°49'21" EAST 417.74 FEET ALONG SAID NORTH SECTION LINE TO THE POINT OF BEGINNING.

CONTAINS: 164,337 S.F. / 3.77 AC +/-

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**NARRATIVE**

THE PURPOSE OF THIS PLAT IS TO IDENTIFY PARCELS OF LAND TO BE ANNEXED IN TO THE MIDWAY CITY LIMITS. THIS PLAT DOES NOT REPRESENT AN ACTUAL SURVEY NOR WAS ANY

The attached letter and record of survey map was mailed to Martin Dodge, Gary Hill, Zermat Villages LTD, Jeffrey Brent Hill, and Eric M Varvel.

April 19, 2017

To whom it may concern,

I am writing to give notice of intent to annex into Midway City. The property is located just west of Swiss Heights Mobile Home Park, is 3.74 acres, is owned by Lundin Farms, and is currently in Wasatch County. Thank You.

Nora Lundin

noralundin@hotmail.com

