



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** April 20, 2016

**NAME OF PROJECT:** Ryans Lane Annexation

**NAME OF APPLICANT:** Beverly Ryan

**AGENDA ITEM:** Annexation

**LOCATION OF ITEM:** East Side of Johnson Mill Road and Ryans Lane

**ZONING DESIGNATION:** R-1-15

### **ITEM: 6**

Beverly Ryan is requesting annexation of 8.76 acres of property located on the east side of Johnson Mill Road. The proposed zoning for the property is R-1-15.

### **BACKGROUND:**

Beverly Ryan, William Cary Hobbs, Chester William Belfield Trust, Donna Lee Brown Trust, Marcia Hilton Family Trust, and Sharon Jordan Jensen have petitioned the City to annex 8.76 acres that will be zoned R-1-15, if approved by the City Council. Currently the property is located in the County and is zoned RA-1. The area does fall within Midway's annexation declaration area so the property is allowed to 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 eight separate parcels, six of which are owned by the petitioners. The petitioners own 85.61% (51% required) of the land included and 86.47% (33% required) of the taxable value.

The parcels are as follows:

<b>Property Owner</b>	<b>Tax ID#</b>	<b>Signed</b>	<b>Petition Acres</b>	<b>Market Value</b>
David & Cydney Maisey	OWC-0439-0	No	1.00	\$ 273,407
Questar Gas Company	OWC-0449-0	No	0.18	\$ -
Marcia Hilton Family Trust	OWC-0448-1	Yes	0.94	\$ 359,605
Chester William Belfield Trust	OWC-0448-3	Yes	1.47	\$ 346,601
Donna Lee Brown Trust	OWC-0448-6	Yes	1.00	\$ 100,000
Sharon Jordan Jensen	OWC-1200-0	Yes	1.25	\$ 442,711
Beverly Ryan	OWC-0448-2	Yes	1.23	\$ 204,400
William Cary Hobbs	OWC-0448-0	Yes	1.13	\$ 293,933

The petition does comply with State Code that requires the owners of a majority 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.

The City would like to annex the properties along Johnson Mill Road and Ryans Lane because all the dwellings except for one are connected to the City's culinary water lines. The City has recently upgraded the water lines along Johnson Mill Road and Ryans Lane. Also, Midway Irrigation Company has installed new water lines in this area so that residents will now have access to secondary water which they have not had in the past. Until recently the land owners use culinary water for their outside irrigation and by installing the secondary system the property owners no longer have to use the culinary water for outside use. Because of the aforementioned repairs and new infrastructure improvements Johnson Mill Road will also be repaved. Because of this investment in the area and because the land owners are already connected to City water it is the desire of the City Council to annex the area into the City limits.

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.

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 plat map has been submitted and is attached to this report. Also the properties do not have any identified sensitive lands.*
- C. Identification of current and potential population of the area and the current residential densities: *Currently there are six homes in the annexation area. There is no anticipated new development potential to the area since there are currently homes on all the properties. It is unknown if any of the parcels could be further subdivided but it is unlikely that any of them will in the future based on the limited frontage in the area.*
- D. Land uses presently existing and those proposed: *Currently the land in the area is being used for residential purposes.*
- E. Character and development of adjacent properties and neighborhoods: *The properties surrounding the proposed annexation are mostly residential with some agriculture.*
- 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-1-15 which is a third 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 properties are already developed and the current character of the neighborhood matches other neighborhoods in the area already in the City limits.*
- H. Assessed valuation of properties within the annexation area: *Please see the chart presented earlier in this report.*

- 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: *The properties are already developed and the City is already maintaining also most all of the roads within the annexation so there should be almost no added cost associated with the annexation.*
- 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 up to and in the area of the annexation.*
- L. Comparison of potential revenue from the annexed properties with the cost of providing services thereto: The City is already providing services to the properties in the annexation. *The properties are already developed and receiving services from the City.*
- M. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed: *It is estimated that the taxes for the existing homes in the annexation area will increase once they are annexed into the City.*
- 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 Ryans Lane that fronts the annexation area.*
- O. Location and description of any historic or cultural resources: *No issues have been identified.*

### Additional 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 resort tax will be impacted by adding more homes to Midway. It has been determined that by 2020 the City will lose the ability to collect the resort tax the City now enjoys. The ability to collect this tax is based on the ratio of permanent residences compared to transient rental rooms. Each year the City has more growth of residences than transient rooms. Annexing an area that will contain six new residences will help offset the current ratio even more. It may be true that nothing can be done to stop the City from losing this tax, but adding more residences into the City limits will not help the issue at hand. This item should be considered for this annexation and any future annexation.

### **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 density and traffic to the area.

### **ALTERNATIVE ACTIONS:**

1. Recommendation of Annexation Approval. This action can be taken if the Planning Commission feels that the annexation is in the best interest of the community.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
2. Recommendation of 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 Annexation Denial. 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



Wasatch County, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Airphoto, IGN, IGP, swisstopo, and the GIS User Community

The boundary lines shown here have been generated for the internal use of Wasatch County and should only be used for general reference purposes. Questions concerning ownership boundary locations should be directed to a title company, attorney, or licensed land surveyor. Wasatch County makes no warranty as to the accuracy or usefulness of this information. The end user of this information assumes all responsibility concerning this information's appropriate use.

