



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: February 15, 2017

NAME OF PROJECT: Whitaker Farm Annexation

NAME OF APPLICANT: Thomas Whitaker

AGENDA ITEM: Annexation

ACRES: 178.27 acres

LOCATION OF ITEM: Area east of River Road from Memorial Hill to about 510 North

POTENTIAL ZONING: RA-1-43, R-1-22, and Resort Zone

ITEM: 6

Tom Whitaker is proposing an annexation of 178.27 acre called the Whitaker Farm Annexation. The property is located on the East Side of River Road at approximately 510 North.

BACKGROUND:

Tom Whitaker has petitioned the City to annex of 178.27 acres that, per the current projected zoning, will be zoned R-1-22 and RA-1-43 or 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 three sides of the proposed annexation.

The annexation contains 21 separate parcels, 11 of which are owned by the petitioner. The developers own 63% of the land included and 60% of the taxable value. The other ten parcels are owned by individuals not associated with the annexation and none of them have signed the annexation petition. The parcels are as follows:

Property Owner	Tax ID#	Signed Petition	Acres	Taxable Value
Midway Meadows Ranch	OWC-0293-3	Yes	1.00	\$ 25,000
	OWC-0391-7	Yes	24.52	\$1,136,666
	OWC-0392-0	Yes	42.16	\$1,191,500
	OWC-0391-0	Yes	5.00	\$ 398,290
	OWC-0391-2	Yes	5.00	\$ 250,000
	OWC-0391-3	Yes	5.00	\$ 250,000
	OWC-0391-3	Yes	5.00	\$ 250,000
	OWC-0391-4	Yes	5.00	\$ 250,000
	OWC-0391-5	Yes	5.00	\$ 250,000
	OWC-0391-6	Yes	5.00	\$ 250,000
	OWC-0438-1	Yes	1.11	\$ 6,537
Thomas S. Whitaker	OWC-0391-1	Yes	5.00	\$1,136,666
Robert & Julie Salazar	OWC-0394-0	No	3.00	\$ 150,000
Bobby & Julie Salazar	OWC-0293-0	No	5.71	\$ 286,000
Julie Salazar	OWC-0293-2	No	4.00	\$ 575,000
Hobbit House LLC	OWC-0394-0	No	10.22	\$ 414,000
Rodger Medby	OWC-0394-1	No	2.00	\$ 292,398
Geoffrey David Smart	OWC-0397-2	No	7.53	\$ 426,500
White September LLC	OWC-0397-0	No	7.77	\$ 438,500
Hylton J. Haueter Trust	OWC-0397-1	No	19.50	\$1,202,131
Bernice C. Haueter Trust	OWC-0397-3	No	1.00	\$ 16,100

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. 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 concept plan has been submitted and is attached to this report. Information regarding sensitive lands has not been provided by the applicant. The City's sensitive lands maps indicate sloped areas on Memorial Hill and a potential small wetlands area north of Memorial Hill and east of River Road.*

- C. Identification of current and potential population of the area and the current residential densities: *Currently there are four homes in the annexation area. The development potential of the area is proposed is approximately 40 dwellings and an unknown number of resort related units/dwellings. Surrounding properties such as the Salazar's parcel could be developed in the future. The 20 acres owned by the petitioner but not part of the proposed development could develop into approximately 20 lots if zoned RA-1-43 or if it is zoned RZ it could potentially be many more units. The Salazars could potentially create about 14 units or if their property is zoned RZ the number of units could increase. The properties south of the proposed development include the Smart, White September and Haueter parcels which could all develop. If the properties are zoned RA-1-43 then the amount of lots could be approximately 35 lots on those parcels.*

- D. Land uses presently existing and those proposed: *Currently the land in the area is being used for agricultural purposes. Most of the property has been irrigated over the past several years. The proposed land uses include residential development with at least 15% open space. The developer is also proposing a resort area near the base of Memorial Hill which could include both residential and commercial uses.*

- E. Character and development of adjacent properties and neighborhoods: *The properties surround the annexation or predominantly being used for agriculture. There are several scattered homes surrounding the annexation. The area has a rural feel.*
- 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 RA-1-43 which is also a one-acre zone. The RA-1-43 zone does allow a PUD if a property is over 10 acres and the plan includes at least 40 units. Also the property could be zoned Resort Zone by the City.*
- 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 has indicated he wants to keep a rural feel to future development on the property characterized by open space and agricultural structures.*
- 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: *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. The potential resort zone area may be a good tax revenue generator for the City. It is unknown how many units or how much commercial space may be constructed but any rental unit will have an economic benefit directly to the City and to businesses in the area as visitors will spend money during their stay in Midway.*
- 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. The City would like to leave four parcels in the County for various reasons. These include two Haueter parcels, the Smart parcel and the White September parcel. Leaving the parcels out of the city will create a peninsula. The City feels these property owners will petition for annexation in the future and will become part of the City. Parcels that might not be annexed by the City include the parcels in blue text on the list found on page two of this report.

- 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, 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 a relatively expensive development that may include some second homes. 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. This subdivision does have two items that will make it less costly for the City. The first is there may be some resort uses included in the development that will generate transient rental tax, property tax and sales tax. Second, many of the homes will most likely be second homes and therefore the tax generation will be double compared to the homes that are primary residences. It is possible that this development may generate enough taxes to cover the cost of the City provided services.*
- 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 Salazars and Medbys will increase by several hundred dollars.*
- 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

- 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.
- Road connectivity of the entire area should be considered with the petition. The City is very interested in a connection from the annexation parcel to Main Street. This will help accomplish the goals of the Master Transportation Map. Two road connections to River Road would comply with the intent of the code but have one of those connections to Main Street would be more beneficial to the City. Staff feels that is important to require and facilitate that connection.
- The most recent applicants for annexation to Midway have contributed to the parks fund (please see attached chart titled "Annexation".)
- Zoning designations of annexed property should be carefully considered. The petitioner would like at least some Resort Zone and potentially some residential zoning. There are also other parcels that will be forced into the City and those parcels must also be given a zoning designation. The City has also discussed the future Tourism Overlay Zone (TOZ) and some of the proposed annexation property could be part of the TOZ. The current potential zoning on the property just north of the City boundary is shown as R-1-22 but recent discussions during the General Plan review have talked about this property being zoned RA-1-43. All these issues will need to be discussed.
- Of the ten parcels that are included in the annexation but the owners of those parcels have not signed the petition, at least one owner would like to stay in the County. It is unknown how the others feel about the annexation. The ten parcels have been included because Stale Code requires them to be. It is possible that some or all stay in the County but it would be the County's decision and not the City's decision.

This item is only to accept further consideration of the annexation. If the City Council does approve further consideration, then the aforementioned items will be discussed in more detail and many other items will also be analyzed. Generally, the annexation process is about a six-month process.

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.
- Permanent open space will be created in the area if the developer develops the land as proposed.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval of Annexation. 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. 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 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



S-Ryan-Ln

E Main St

Mountain Spa Ln

300 N

River Rd

River Rd N

N 100 N

N 300 E

N 200 E

119





PETITION FOR ANNEXATION INTO MIDWAY CITY

We the undersigned owners of certain real property lying contiguous to the present municipal limits of Midway City hereby submit this Petition for Annexation and respectfully represent the following:

1. This petition is made pursuant to the requirements of Section 10-2-403, Utah Code Annotated;
2. The property subject to this petition is an unincorporated area contiguous to the boundaries of Midway City, and the annexation thereof will not leave or create an unincorporated island or peninsula;
3. The signatures affixed hereto are those of the owners of private real property that:
 - a. is located within the area proposed for annexation;
 - b. covers a majority of the private land area within the area proposed for annexation;
 - c. is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation; and
 - d. lies contiguous to the present boundary of Midway City's corporate limits and is described in the attached *Exhibit A*, and is particularly located

between River Road and the Provo River, including Memorial Hill, at approximately 510 North River Road in Wasatch County, UT

4. Title to the property by those signing this petition is as shown in the deeds or title report attached hereto as *Exhibit B*. (Copies of the deed accompanies this petition.)
5. The manner in which it was established that at least 1/3 of the value of all the private property sought to be annexed is owned by the signers of this petition is shown in the attached *Exhibit C*.
6. The total acres of private land and total assessed value of all private lands sought to be annexed are **164.52 acres** and **\$9,415,500 assessed value**. The ownership interests and assessed values of the privately-owned lands included in this annexation petition are shown in *Exhibit C*. *The total acreage of the entire annexation may contain more acreage due to the inclusion of public roads, public lands, or minor deed and title issues.*
7. The petitioners have caused an accurate plat or map of the above-described property to be prepared by Bing Christensen, P.L.S. a licensed surveyor, and Summit Engineering Group, Inc., which plat or map is attached herewith;

8. This petition does not propose annexation of all or a part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
9. This petition does not propose annexation of all or a part of an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103 U.C.A. or a petition under Section 10-2-125, U.C.A. if:
 - a. the request or petition was filed before the filing of the annexation petition, and
 - b. the request, a petition under Section 10-2-109 based on that request, or a petition under Section 10-2-125 is still pending on the date the annexation petition is filed;
10. The petitioners request the property, if annexed, be zoned **Residential Agriculture RA-1-43 and/or Recreation Resort RZ** as per the Midway City Land Use Map

WHEREFORE, the Petitioners hereby request that this Petition be considered by the Midway City Council at its next regular meeting, December 14, 2016, that a resolution be adopted as required by law accepting this Petition for Annexation for further consideration, and that the governing body take such steps as required by law to complete the annexation herein petitioned.

Dated this 29th day of November, 2016.

PETITIONERS

Thomas S. Whitaker

PO Box 777, Midway, UT 84049

Thomas S Whitaker,
Trustee of
The Thomas and Linda Whitaker Trust
Dated March 25, 1999

Phone No. 801-836-9965
Email WHITAKERS777@GMAIL.COM

Contact Sponsor/Petitioner

Thomas S Whitaker

PO Box 777, Midway, UT 84049

Thomas S Whitaker, Manager
Midway Meadows Ranch, LLC

Phone No. 801-836-9965

Petitioner

Annexation	Date	Acres	Parks	Cost per Acre
Soldier Hollow Mountain	6/22/2005	246.000	5 acres	\$711.38
Wasatch Mountain	7/27/2005	151.000	\$85,800.00	\$568.21
Robert Johnson	7/28/2004	23.000	\$	
High Valley Ranches/Arena	6/28/2006	12.410	\$8,052.00	\$648.83
Dutch Hollow	1/25/2006	11.190	\$6,379.00	\$570.06
Fox Road	12/27/2006	2.324	\$	
Zenger	11/8/2006	95.000	\$47,600.00	\$501.05
Remund Ranch	5/23/2007	49.000	\$26,220.00	\$535.10
Scadia Investments	12/12/2007	4.270	\$	
Turnberry Woods	6/27/2008	1.796	\$	
Average Cost per Acre				\$589.11
Whitacker Farm		178.270		\$105,020.13
Cost of ground per Acre	35,000			