

Item D-3

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: February 1, 2002

SUBJECT: Petition No. 400-01-16 – Peter Carroon with Red Gate Properties Annexation request at 3027 South 1100 East (approximately)

STAFF REPORT BY: Janice Jardine, Land Use and Policy Analyst

Document Type	Budget-Related Facts	Policy-Related Facts	Miscellaneous Facts
Ordinance	<p>The Administration’s transmittal notes a net negative budget impact. Please see the Administration’s Annexation Impact Analysis for details.</p> <ul style="list-style-type: none">• Total Service Cost is \$845 per unit• Total Revenue is \$669 per unit• Impact fees are \$890 per unit	<p>The proposal is presented in compliance with State Code. Property is contiguous to the current City boundary. Petition has been signed by 100% of the property owners (one owner) representing 100% of the assessed valuation listed on current County Tax Assessment rolls.</p>	<p>The Administration has clearly stated the positive aspects of the proposal.</p>

OPTIONS AND MOTIONS:

The Council received a briefing on this item at the Council Work Session on January 8, 2002

1. [“I move that the Council”] Adopt an ordinance extending the corporate limits of Salt Lake City to include property located at 3027 South 1100 East and to zone the property Special Development Residential SR-1.
2. [“I move that the Council”] Not adopt an ordinance extending the corporate limits of Salt Lake City to include property located at 3027 South 1100 East and to zone the property Special Development Residential SR-1.
3. [“I move that the Council”] Refer this item to an additional briefing session for further review.

KEY ELEMENTS

- A. The Administration’s transmittal, Planning Commission minutes and Planning staff report provide a detailed discussion of the annexation request. Major points are summarized below:
 - 1. The property is adjacent to and north of the Brickyard Plaza (please refer to the map in Planning staff report for clarification).
 - 2. The property is within the boundaries of the area identified in the City’s Future Annexation Policy Declaration area and reaffirmed by formal Council action in 2000 and 2001.
 - 3. This action would facilitate development of the property for residential use.
 - 4. The property is currently vacant. Surrounding land uses include a mix of single-family and multi-family dwellings.
 - 5. The Sugar House Community Master Plan Future Land Use map identifies this area for medium density residential uses, 8 to 20 units per acre. The proposed development for the site will result in a density of approximately 9 units per acre.
 - 6. The petitioner has received approval from Salt Lake County for a planned development consisting of three duplexes subject to obtaining water from Salt Lake City.
 - 7. The petitioner has applied to the City for approval of a similar planned development. The petitioner’s application will be processed with the Planning Commission after a final decision is made by the City Council regarding annexation.
 - 8. Final site development, transportation and utility service requirements, and development plans including landscaping will be evaluated through the development review and building permit processes.

- B. The Planning Commission voted to recommend to the City Council that the property be zoned Special Residential SR-1. The purpose of the Special Residential SR-1 zone is to maintain the unique character of older predominantly low-density neighborhoods that display a variety of yards, lot sizes and bulk characteristics. The Special Residential SR-1 zoning classification allows a maximum density of 8.7 units per acre for single-family dwellings and 10.9 units per acre for duplexes.

- C. Discussion at the Planning Commission meeting focused on:
 - 1. The existing types of land uses and density in the surrounding area.
 - 2. Zoning classifications with a density range that would be compatible with the existing character of the area.
 - 3. Recommendations that, in the future, the Council consider:
 - a. Comprehensive annexation in this area rather than “piece meal” or individual annexation requests.
 - b. The Special Residential SR-1 zoning classification is used for future annexations in this area.

- D. The Administration’s transmittal notes that Community Council review of annexation petitions is not required. The Sugar House Community Council Chair was notified of the petition. As of this date, no comments have been received from the Community Council.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:

- Council Members may wish to discuss the Council’s intent relating to future annexation requests to ensure a consistent policy direction.
 - A. During the 2001 State Legislative General Session, the Legislature approved HB 155S1 - Annexation Amendments. The bill modified provisions of the Utah Municipal Code relating to

municipal annexations. In part, the bill restricts annexations from taking place in first class counties from April 30, to November 15, 2001 with certain exceptions. The bill also requires that first class counties and cities within first class counties prepare a plan for annexations within the county and to submit the plan to the Legislative Management Committee at its first meeting after November 15, 2001.

1. The Council formally adopted a resolution on December 5, 2000 that reaffirmed the City's 1979 declaration of intent to annex the remaining portion of unincorporated Salt Lake County served by Salt Lake City's water system, excluding the newly incorporated City of Holladay.
2. The Salt Lake City Council has fulfilled the 2001 Legislature's mandate that cities in Salt Lake County prepare a master plan by November 15, 2001, to show "how the remainder of unincorporated areas within Salt Lake County are to be included within municipalities through annexation or incorporation." The Salt Lake Council of Governments submitted a series of maps to the Legislative Management Committee on behalf of Salt Lake County and the cities within the County.
3. The City Council supports the concept of annexing areas outside the City's boundaries. Its reasons are listed in the attached document titled *Salt Lake City Council and Annexation*.

B. In the past, the Administration has provided the following information relating to the City's annexation policies:

1. The City does not have a citywide annexation policy.
2. Annexation policies have been developed based primarily on geographic locations and existing land uses.
3. Annexation policies are identified in the applicable master plans prepared for affected planning communities (i.e. East Bench, Sugar House, Northwest Community, Jordan River/Airport area, City Creek, etc.).
4. Annexation policies in the Sugar House Master Plan are significantly different from policies identified in the East Bench Master Plan. The Sugar House area is part of the older, fully developed portion of the City. The East Bench area contains underdeveloped areas of the foothills that are limited in development potential due to slope restriction and the cost of providing municipal services.

C. In July 2001, when the Council formally adopted a resolution accepting Mr. Carroon's annexation petition for further analysis and Planning Commission recommendation, the Administration's transmittal noted that in May of 1998 the City Council denied a similar annexation request in the same general area. The Council's motion to deny the resolution noted:

1. The Council is interested in annexing the area south of Sugar House,
2. The petition represents a piecemeal approach to annexation that contradicts existing policy in the Sugar House Master Plan, and
3. Providing City services to an isolated parcel is an unsound policy decision.

D. In response to questions raised by Council Members during discussions relating to accepting Mr. Carroon's annexation petition, the City Attorney provided a legal perspective relating to individual annexation requests versus annexation of designated areas as a whole. Information from the City Attorney is summarized below.

1. Many years ago the City decided not to sell water to areas for development that was capable of being annexed into the City in order to alleviate inconsistent land development and to provide efficient and equitable delivery of services. (Resolution 20 of 1982 – Water Service provided outside the City limits)

2. State annexation laws were also amended to ban development within a half-mile perimeter of cities unless property owners tried and failed to be annexed. The law has subsequently been amended removing this requirement.
3. These actions served to prevent urban sprawl, substandard development and double-taxation issues.
4. The Utah Supreme Court has affirmed the City's power to use City water resources in this way.
5. Previous City Councils and Mayors have thought the policy appropriate.
6. It seems inconsistent with the City's long-range goals not to have the development occur inside the City boundaries when the property abuts the City boundary and would further the City's annexation policy.
7. The City needs to be consistent and uniform in the application of City water policy or the City will lose the ability to use this asset under Equal Protection principles.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The recently adopted Sugar House Community Master Plan Update provides the following information:
 1. In 2000, the Salt Lake City Council adopted Resolution No. 34, which reaffirms the City's 1979 declaration of intent to annex the remaining portion of unincorporated Salt Lake County served by Salt Lake City's water system, excluding the newly incorporated City of Holladay. This would produce long-term benefits for County residents annexed into the City, through improved levels of water service and a net reduction in the cost of water service, while avoiding a significant increase in water rates paid by City residents. These areas, south of Sugar House, constitute a significant land area. If annexed, the newly annexed areas would be best served by creating new community planning areas.
 2. Policy statements:
 - a. Encourage the annexation of designated areas as a whole rather than in small pieces, to provide coordinated land use development policies and comprehensive municipal services.
 - b. Establish new community planning districts for areas annexed into the City south of the existing Sugar House community planning boundary.
 3. The Future Land Use map identifies this area for medium density residential uses, 8 to 20 units per acre. The proposed development for the site will result in a density of approximately 9 units per acre.
- B. The City's recently adopted Community Housing Plan contains policies and implementation strategies that address:
 1. Creating a wide variety of housing types across the City.
 2. Encouraging innovation in housing design compatible with neighborhoods that are creative, aesthetically pleasing and provide attractive public spaces.
 3. Creating affordable and transitional housing.
 4. Supporting home ownership for a variety of income levels.
 5. Including public and neighborhood participation and interaction in the design process.
- C. The Council's adopted growth policy states: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
 1. Is aesthetically pleasing;
 2. Contributes to a livable community environment;
 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and

4. Forestalls negative impacts associated with inactivity.
- D. Council staff has attached a synopsis of City annexation policies prepared for the Council's Annexation subcommittee. The synopsis summarizes the following documents:
1. The City's 1979 Annexation Policy Declaration
 2. City Resolution No. 34 of 2000 - Reaffirmation of 1979 Master Annexation Policy Declaration, and Declaration of Intent to annex areas served by the City's water system in the unincorporated Salt Lake County
 3. Resolution 20 of 1982 - Water Service provided outside the City limits
 4. Existing Community Master Plans Annexation Policies
 5. The 1999 Salt Lake County Feasibility Scenarios Report
 6. 1999 Salt Lake City Wall to Wall Cities Study
 7. 2000 Salt Lake City Wall to Wall Cities Annexation Study
- E. State Code 10-2-403 regarding annexation requires that boundaries for annexation be drawn in the following manner:
1. To eliminate islands and peninsulas of territory that is not receiving municipal-type services;
 2. To facilitate the consolidation of overlapping functions of local government;
 3. To promote the efficient delivery of services; and
 4. To encourage the equitable distribution of community resources and obligations.

CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed annexation. Key meeting dates are listed below. Please refer to the Administration's chronology for details.

- July 10, 2001 City Council action formally accepting the annexation petition and referred to the Administration and Planning Commission for further analysis and recommendation.
- September 18, 2001 End of annexation protest period
- September 20, 2001 Planning Commission hearing

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File Location: Community and Economic Development Dept., Planning Division, Annexation, Red Gate Properties/Peter Carroon