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## SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** December 5, 2003

**SUBJECT:** **Petition No. 400-01-07- Mountair Annexation Proposal  
3000 South to 3300 South and 1100 East to 1700 East (Imperial  
Street)**

**AFFECTED COUNCIL DISTRICTS:** District 7, Citywide

**STAFF REPORT BY:** Michael Sears and Janice Jardine

**ADMINISTRATIVE DEPT.** Community and Economic Development Department  
**AND CONTACT PERSON:** Everett Joyce and Cheri Coffey

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The petition to annex the Mountair neighborhood has been reviewed by the Planning Commission and was advanced by the Administration to the Council for briefings on August 12 and September 4, 2003. On August 27, 2003 the City received signatures from residents in the Mountair annexation area seeking withdrawal from the annexation petition. As discussed during the briefing on September 4, 2003 and noted during the public hearing on September 9, the petition did not meet the requirements of State Annexation Law. After receiving public comment at the hearing on the proposed annexation of the Mountair neighborhood the Council made a motion to continue the hearing to December 9, 2003 and allow the petition to remain active.

On December 4, 2003, the Administration confirmed that the City has not received additional petition signatures and that the petition does not currently meet the requirements of State Annexation Law.

At the time when the Council set the date for public hearing on this matter, the petition had been signed by a majority of private property owners representing over 1/3 of the assessed valuation listed on current County Assessment rolls. Subsequent to setting the public hearing date, the City received signatures from residents in the Mountair annexation area seeking withdrawal from the annexation petition. Property owners have until the annexation vote by the City Council to decide if they support the petition to annex into Salt Lake City. If over 50 percent of the private property owners support annexation, in accordance with state law, the Council could vote to annex the area. The Council could also opt to take action at a later date or to vote against annexation. If the Council votes against the annexation this area cannot be annexed by Salt Lake City and would instead be included in the Millcreek Township. The proposed annexation area is inside the boundaries of the Millcreek Township but because the annexation petition was filed prior to the creation of the township, the ordinance that established the township did not include the pending annexation.

## **OPTIONS AND MOTIONS:**

The following are motions that the City Council may elect to use on December 9, 2003 at the conclusion of public comment on the Mountair Annexation.

1. ["I move that the Council"] Continue the public hearing and take no action on the proposed ordinance.
2. ["I move that the Council"] Continue the public hearing for 3 months to March 9, 2003.
3. ["I move that the Council"] Close the public hearing and not adopt an ordinance extending the corporate limits of Salt Lake City to include the Mountair annexation area pursuant to Petition No. 400-01-07. This action does not remove this area from the City's Master Annexation Policy Declaration.

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Note: The following information was provided to the Council for the 9/04/03 briefing. It is provided again for your reference.

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The petition to annex the Mountair neighborhood has been reviewed by the Planning Commission and has been advanced by the Administration to the Council for consideration. There are several steps to the annexation process. The final step is a vote by the Council once it is determined whether there is adequate interest on the part of property owners.

The Administration's original transmittal cover sheet highlighted several of the issues concerning this annexation, specifically analysis of the proposed master plan amendment and zoning amendment. Additional information is noted in the Key Elements section of this report.

In order to apply Salt Lake City zoning and master plans to annexed areas, the Council was briefed on the applicable master plans and proposed zoning at the time annexation is considered. Land-use actions recommended to the Council by the Planning Commission include amending the Sugar House Community Master Plan's Future Land Use Map and the Sugar House Community Zoning map. Both maps are included in the Administration's transmittal. The transmittal also includes the Planning Division staff report for the Planning Commission, Commission meeting minutes, information on community and neighborhood meetings, an economic analysis of the proposed annexation and the necessary ordinance to annex the Mountair neighborhood.

## **KEY ELEMENTS:**

1. The Administration's transmittal, Planning Commission minutes and Planning Division staff report provide a detailed discussion of the annexation request. Major points are summarized below:
  - a. The property is adjacent to and East of the Brickyard Plaza (please refer to the map, Exhibit A, in the transmittal from the Administration for clarification).

- b. 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.
  - c. The annexation area includes 528 residential lots with 563 dwelling units and 43 commercial lots with 29 commercial structures.
  - d. The proposal does not include the commercial properties between Woodland Avenue (approximately 3175 South) and 3300 South and 1300 East and Highland Drive because the applicants did not include the area in the proposal. The Administration notes that this area is not included as part of the annexation proposal because State annexation law precludes municipalities from actively garnering support for annexation.
  - e. The petition appears to comply with annexation criteria established by State Code:
    - The property is contiguous to the current City boundary.
    - The area is included in the City's annexation policy declaration.
2. The Administration notes that "overall, the proposed zoning classifications are similar to the existing Salt Lake County zoning for the area". Please refer to the attached map, *Proposed Salt Lake City Zoning*, for details. The proposed City zoning classifications include:
    - a. Single-family residential R-1/7,000 – to be applied to a majority of the low-density residential properties within annexation.
    - b. Special Residential SR-1 – to be applied to the properties along Elgin Avenue between 1100 East and Richmond Street. The area contains a mix of single-family and duplex residential uses.
    - c. The proposed SR-1 zoning will also be applied to a parcel located at 3025 South 1100 East directly north of the Brickyard Plaza with a single-family residential structure without public street frontage. The property is currently zoned Industrial M-1. Access to the property is provided by a private lane.
    - d. Multi-family RMF-35 – to be applied to properties along Richmond Street and Elgin Avenue. The area mainly consists of three and four-family units and the Aspen View 16-unit residential development (1230 East Elgin Ave.).
    - e. Commercial Business CB – to be applied to the majority of commercial properties along Highland Drive, 3300 South, Elgin Avenue and Gunn Avenue. The area consists mainly of retail goods and services with some restaurants and offices. There are also several automotive repair businesses. Two automobile service centers, two self-storage units and one vacant property will become non-conforming uses.
    - f. Residential Business RB – to be applied to the area along 3300 South east of 1575 East to 1700 East excluding the Libbie Edwards Elementary school property.
    - g. Public Lands PL – to be applied to the Libbie Edwards school property located at 1655 East 3300 South. The school is owned by Granite School district and is currently leased by the State for use as the Tooele/Salt Lake Applied Technology School. The facility serves mainly high school age students.
  3. The proposed annexation was protested by Salt Lake County on June 7, 2003 and after review of the protest the Salt Lake County Boundary Commission selected a consultant to develop a feasibility study on the proposed annexation. The Commission ruled in favor of the City on January 21, 2003 and the annexation process was resumed by the City.
  4. The Planning Commission voted to forward to the City Council a recommendation to:
    - a. Amend the Sugar House Master Plan
    - b. Amend the City zoning map to zone the properties within the annexation area as recommended by the Planning staff
    - c. Upgrade the circulation and drainage infrastructure

- d. Allocate funds for clean-up services
  - e. Allocate funds to address public safety needs
5. A formal recommendation from the Planning Commission is included with the Administration's transmittal and a formal public hearing before the City Council will be scheduled at a future date to receive comments, consider information from the Administration and make a final decision to approve or deny the annexation request and zone the property consistent with City zoning classifications and recommendation from the Planning Commission

## **MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:**

Council Members may wish to discuss with the Administration in further detail the following issues identified through this process:

1. Creation of non-conforming uses and/or non-complying structures – Council Members have asked in other circumstances about the creation of non-conforming or non-complying issues through zoning action. The proposed Commercial Business District zoning will non-conform four existing businesses (two self-storage businesses and two major auto repair businesses) and one vacant business.
2. This recommendation carries with it many of the principles from the Sugarhouse Master Plan. Since the adoption of the plan, some Council Members have expressed a desire to discuss principles further, prior to adopting the zoning that implements the zoning in the Sugarhouse Business District. Council staff did not have a chance to fully analyze this annexation in comparison with concerns raised previously by Council Members on the Sugarhouse rezoning, but this review could be completed for a September 2 follow-up briefing.

## **MASTER PLAN AND POLICY CONSIDERATIONS:**

1. The Sugar House Master Plan reiterates the City's annexation policy in relation to areas contiguous to Sugar House. The Plan notes that annexation would produce long-term benefits for County residents annexed into the City through improved levels of municipal services and a net reduction in the cost of water service. The following policy statements are included in the master plan:
  - a. Encourage the annexation of designated areas as a whole rather than in small pieces to provide coordinate 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.
2. State Code 10-2-403 regarding annexation requires that boundaries for annexation be drawn in the following manner:
  - a. To eliminate islands and peninsulas of territory that is not receiving municipal-type services;
  - b. To facilitate the consolidation of overlapping functions of local government;
  - c. To promote the efficient delivery of services; and
  - d. To encourage the equitable distribution of community resources and obligations.

3. 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:
  - a. Is aesthetically pleasing;
  - b. Contributes to a livable community environment;
  - c. Yields no negative net fiscal impact unless an overriding public purpose is served; and
  - d. Forestalls negative impacts associated with inactivity.
  
4. Council staff has attached a synopsis of City annexation policies prepared for the Council's Annexation Subcommittee. The Synopsis includes a summary of:
  - a. The City's 1979 Annexation Policy Declaration
  - b. 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
  - c. Resolution 20 of 1982 – Water Service provided outside the City limits
  - d. Existing Community Master Plans Annexation Policies
  - e. The 1999 Salt Lake County Feasibility Scenarios Reports
  - f. 1999 Salt Lake City Wall to Wall Cities Study
  - g. 2000 Salt Lake City Wall to Wall Cities Annexation Study

## **BUDGET RELATED FACTS:**

The proposed annexation of the Mountair neighborhood will be revenue neutral. The anticipated costs to service the approximately 157 acres will be \$703,047 each year. The revenue that this area is anticipated to generate is \$698,295. The revenue and expenditure estimates are from the Mountair Annexation feasibility Study that was prepared by Wikstrom Economic & Planning Consultants on behalf of the Salt Lake County Boundary Commission. The City may have to adjust staffing levels and purchase additional equipment to service this area. Adjustments to City departments can be made during budget openings or during the budget adoption process in May and June of each fiscal year.

If the proposed annexation is accepted by the City, the City Council may wish to receive an update from the Administration on the revenues and costs associated with this area.

## **CHRONOLOGY:**

A complete chronology of events associated with the petition to annex the Mountair neighborhood is included in the Administration's transmittal from the. The following chronological events are those that relate to public process or City Council action.

- 2/16/01: Petition received from Jim Barnett and Madelyn Meier.
- 5/7/02: City Council adopted a resolution accepting the petition for review.
- 6/7/02: Salt Lake County requests that the proposed annexation be reviewed by the Salt Lake Boundary Commission.
- 1/21/03: Salt Lake County Boundary Commission reviews the case and finds in favor of the City. The annexation process can proceed.

- 4/2/03: Sugar House Community Council received a briefing on the petition and voted to support it.
- 4/23/03: Following a public hearing, the Planning Commission recommended that the City Council adopt proposed amendments to the future land use map of the Sugar House Community Master Plan and the Sugar House Community Zoning map as recommended by staff.
- 8/12/03: Briefing to the City Council regarding proposed annexation.
- 9/04/03: Briefing to the City Council regarding proposed annexation.
- 9/09/03: Public Hearing on the proposed annexation.

cc: Rocky Fluhart, David Nimkin, DJ Baxter, Ed Rutan, LeRoy Hooton, Rick Graham, Alison Weyher, David Dobbins, Louis Zunguze, Lynn Pace, Jeff Niermeyer, Kevin Bergstrom, Max Peterson, Tim Harpst, Brent Wilde, Doug Wheelwright, Cheri Coffey, Everett Joyce, Janice Jardine, Lehua Weaver, Annette Daley

File Location: Community and Economic Development Dept., Planning Division, Mountair Annexation – 3000 South to 3300 South and 1100 East to 1700 East (Imperial Street), Michael/staff reports/annexation