

Midway City Council
7 June 2022
Regular Meeting

Vincent Annexation /
Further Consideration

Memo



Midway

Date: June 7, 2022
To: Midway City Council
From: Michael Henke
Re: Vincent Annexation / Further Consideration

The City has received an annexation petition from Diane Vincent for a potential annexation of 9.76 acres. The first step in the annexation process for the City Council is to determine that the annexation petition provides the information and representations required by the City Code. If the City Council determines that the application is complete, then the petition may be accepted for further consideration.

Per the City Code, the intent of the annexation code is the following:

It is the intent of this Chapter to ensure that property annexed to the City will contribute to the attractiveness of the community and will enhance the rural, resort image which is critical to the economic viability of the community, and that the potential fiscal effect of an annexation does not impose an unreasonable burden upon City resources and tax base.

The general requirements that should be considered, as listed in the annexation code, include the following:

- Logical Extension of City Required
 - Property under consideration for annexation must be considered a logical extension of the City boundaries.
- Consistent with General Plan and the Municipal Code
 - Annexation of property to the City must be consistent with the intent and purpose of the annexation code and the Midway City General Plan, in addition to the Master Plan for water, sewer, and roads.

areas, protection of sensitive lands, conservation of natural resource, protection of view corridors, protection and preservation of historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation area shall be considered.

- Annexation for Preservation Allowed
 - Situations may exist where it is in the public interest to preserve certain lands from development in flood plains, where geologic hazards exist, where slopes are severe, or where the need for preservation of community open space and/or agricultural lands is consistent with the General Plan. In such circumstances, annexations may occur as a means of retaining those lands in a natural state.

The property currently contains two dwellings (one standard single-family dwelling and a trailer), multiple accessory buildings, and an irrigated field. The property petitioned for annexation is in the Midway Growth Boundary and it will not create an incorporated peninsula, so annexation of the property is allowed by State Code. The applicant would like to annex the 9.76 acres would pursue subdividing the property into three lots. Potentially, approximately eight or nine lots could be located on the property if the property were to be developed at maximum density, but the applicant is proposing three. The maximum density will be memorialized on the annexation agreement. Annexation would give the applicant access to the City's culinary water system and would allow the applicant to avoid drilling a well and installing the proper equipment for fire flow from a well. Instead, the petitioner would extend the City's water lines from Stringtown Road and install fire hydrants, if necessary.

There are some items to consider with this proposal:

- Access – The proposed concept plan shows access from Stringtown Road. The proposed lots will all have frontage on Stringtown Road and will have direct driveway access from Stringtown Road.
- Density – The developer is proposing to lower the potential density on the property from eight or nine lots to three lots, based on Midway's density for the RA-1-43 zone. In recent annexations, the City has valued this type of proposal because it aligns with the goals in the General plan. If the property were developed in the County using the density regulations for the RA-1 zone, it is unknown the exact density that could be obtained. If simply calculated by the acreage of the property, the County's RA-1 zone would allow seven lots ($9.76/1.3=7.5$), but other factors such as water and sewer must be considered. The County requires five acres per well which would only allow for one more lot (this is only possible since the two existing dwellings are connected to Midway's culinary water system), but it may be possible to drill one well and connect more than one dwelling to that well. Sewer is available and would not be a limiting factor for density since the property is able to access Midway Sanitation District's Sewer Line under Stringtown Road.

Another issue to discuss is the existing trailer on the property. The trailer is occupied by the son of the petitioner. It most likely would qualify as affordable housing which has been a point of discussion by the City Council and by the moderate-income housing committee that has been formed to review the General Plan. The hope of the petitioner is that the trailer is allowed to remain until either the son or the petitioner moves out of the existing dwellings. If either were to move, then the trailer would need to be removed. If the trailer is allowed to remain, then the question of water rights needs to be addressed. Currently there are two connections to the property from Midway's culinary water system, one for the dwelling and one for the trailer. The two proposed new lots would also need water connections and will need dedicated water rights. The petitioner will dedicate the water rights for all the required water on the property but there will be four water connections for a time. It is the hope of the petitioner that when the trailer is removed in the future, that the fourth connection can be sold to someone in need of a connection. If the above issues are agreed to by the petitioner and the City Council, the details of the agreement will be memorialized in the annexation agreement.

- Road maintenance – If the property is annexed, the City will own part of Stringtown Road, as shown on the proposed annexation plat, and will be responsible for maintenance Stringtown Road in the area that is annexed.

Staff has reviewed the application and has determined that it does comply with the general requirements of the annexation code and could be further considered by the City Council.

POSSIBLE FINDINGS:

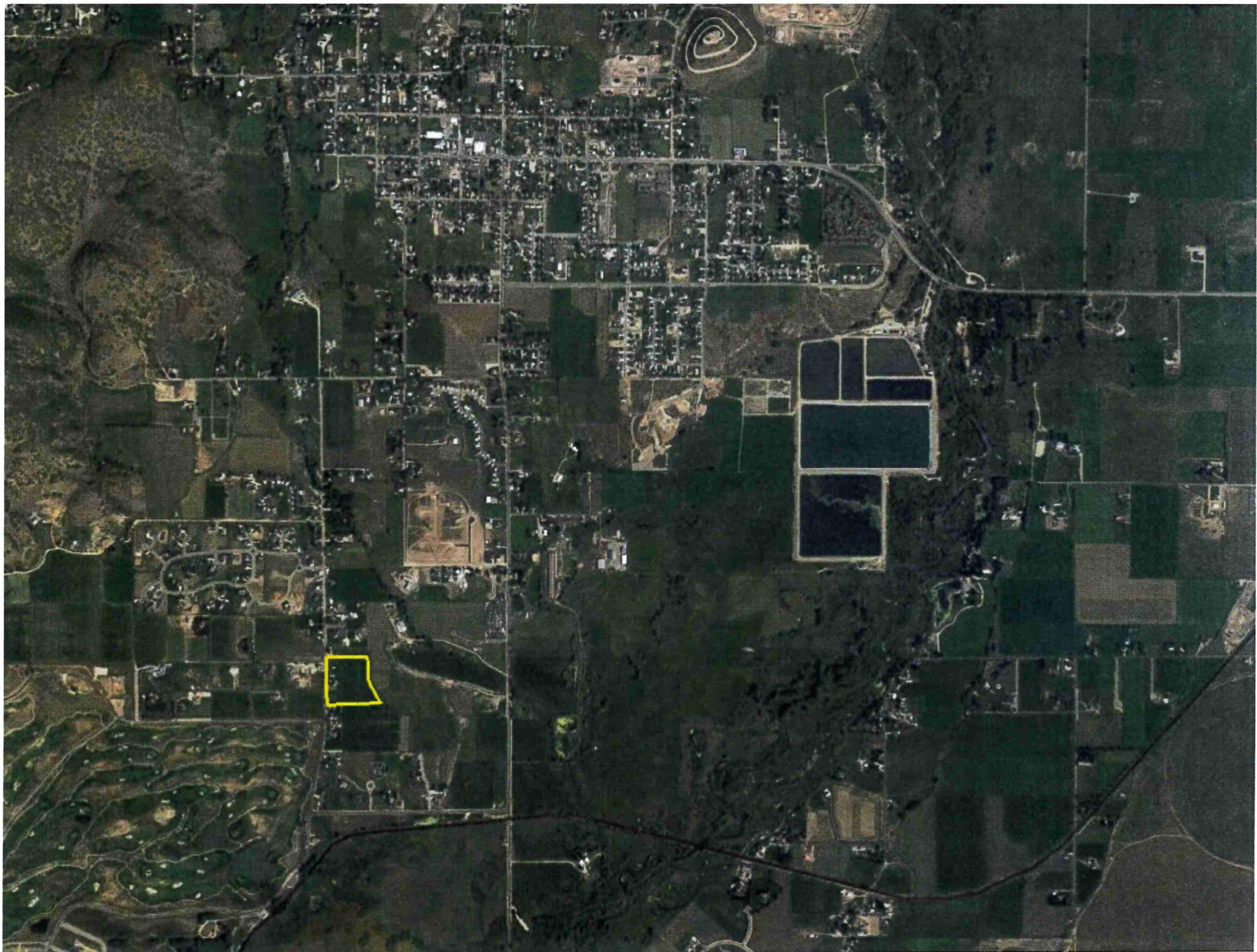
- The proposed annexation does comply with the intent of the annexation code
- The application is complete to consider further consideration
- Further consideration of the petition by the City Council does not guarantee the property will be approved for annexation by the City Council

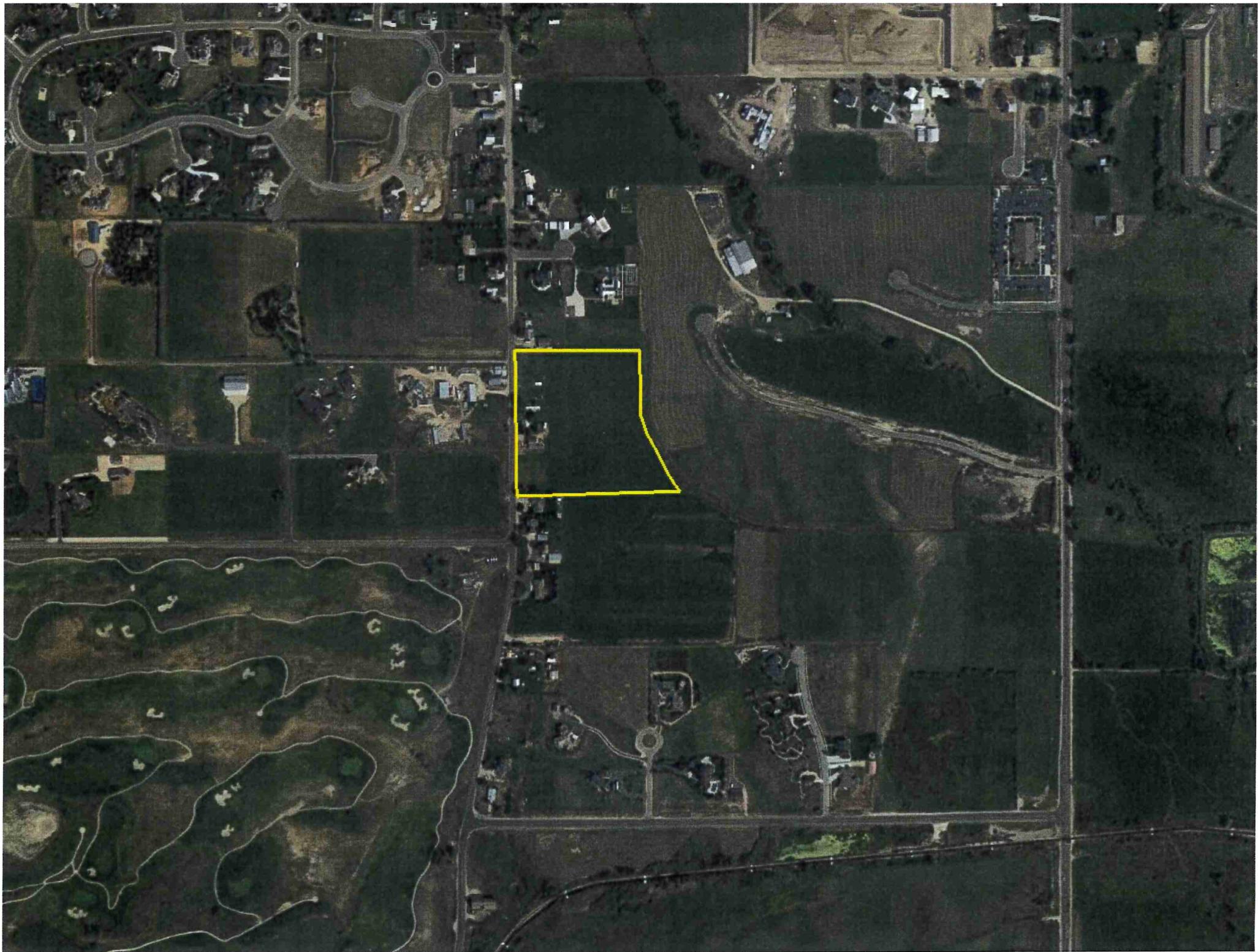
ALTERNATIVE ACTIONS:

1. Approval of further consideration. This action can be taken if the City Council finds that the application is complete and meets the intent of the annexation code.
 - a. Accept staff report
 - b. List accepted findings

2. Continuance. This action can be taken if the City Council would like to continue studying further consideration of the proposal.
 - 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. Denial of further consideration. This action can be taken if the City Council finds that the application is not complete or does not comply with the intent of the annexation code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

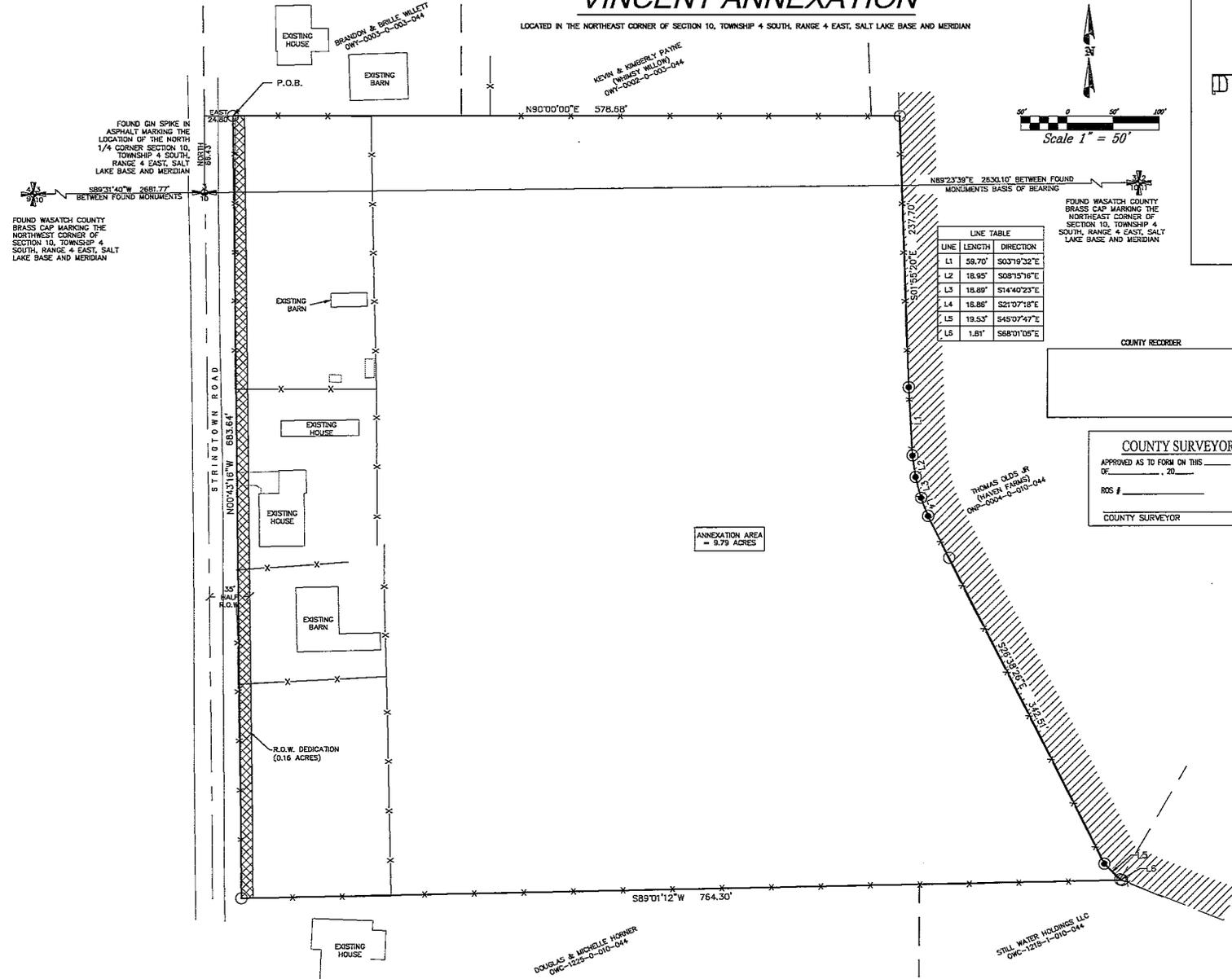






VINCENT ANNEXATION

LOCATED IN THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



FOUND GIN SPIKE IN ASPHALT MARKING THE LOCATION OF THE NORTH 1/4 CORNER SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

S88°21'40\"/>

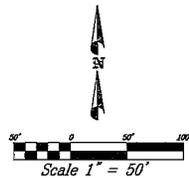
FOUND WASATCH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

EXISTING HOUSE
BRANDON & BRILE WILLET
OWP-0003-0-003-044

EXISTING BARN

P.O.B.

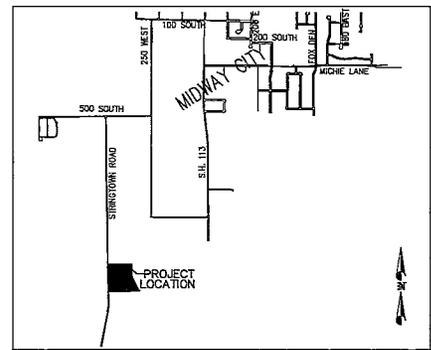
KEVIN & HANDELY PAYNE
WINKEY WILLOW
OWP-0002-0-003-044



N89°23'39\"/>

FOUND WASATCH COUNTY BRASS CAP MARKING THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

LINE	LENGTH	DIRECTION
L1	59.70'	S03°19'25\"/>
L2	18.95'	S08°15'16\"/>
L3	18.89'	S14°40'23\"/>
L4	18.89'	S21°07'18\"/>
L5	19.53'	S48°07'47\"/>
L6	1.81'	S68°01'05\"/>



LEGEND

MIDWAY CITY LIMITS

R.O.W. DEDICATION (0.16 ACRES)

COUNTY RECORDER

COUNTY SURVEYOR

APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20____

ROS # _____

COUNTY SURVEYOR

ANNEXATION AREA
= 9.79 ACRES

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS NORTH 89°23'39\"/>

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED NORTH 86.43 FEET AND EAST 24.80 FEET FROM A FOUND GIN SPIKE IN THE ASPHALT OF STRINGTOWN ROAD MARKING THE SOUTH 1/4 CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; THENCE EAST 24.80 FEET ALONG THE SOUTH LINE OF THE HAVEN FARMS SUBDIVISION AND A FENCE LINE TO THE SOUTH LINE OF THE HAVEN FARMS SUBDIVISION AND A FENCE LINE; THENCE ALONG SAID WEST LINE OF THE HAVEN FARMS SUBDIVISION AND THE WIRE FENCE THE FOLLOWING & (EIGHT) CALLS: SOUTH 07°02'22\"/>

SURVEYOR'S CERTIFICATE

I, TROY L. TAYLOR, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 8854112 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO MIDWAY CITY, WASATCH COUNTY, UTAH.

SURVEYOR _____ DATE _____

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE THE UNDERSIGNED MIDWAY CITY COUNCIL, HAVE ADOPTED A RESOLUTION OF ITS INTENT TO ANNEX THE TRACT OF LAND SHOWN HEREON AND HAVE SUBSEQUENTLY ADOPTED AN ORDINANCE ANNEXING SAID TRACT INTO MIDWAY CITY, UTAH, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH UTAH CODE SECTION 2-2-418 AS REVISED AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID MIDWAY CITY, AND THAT SAID TRACT OF LAND IS TO BE KNOWN AS VINCENT ANNEXATION.

DATED THIS _____ DAY OF _____

MAYOR _____ DATE _____

CITY ATTORNEY _____ DATE _____

CITY ENGINEER _____ DATE _____

ATTORNEY _____ DATE _____

CITY RECORDER _____ DATE _____

VINCENT ANNEXATION

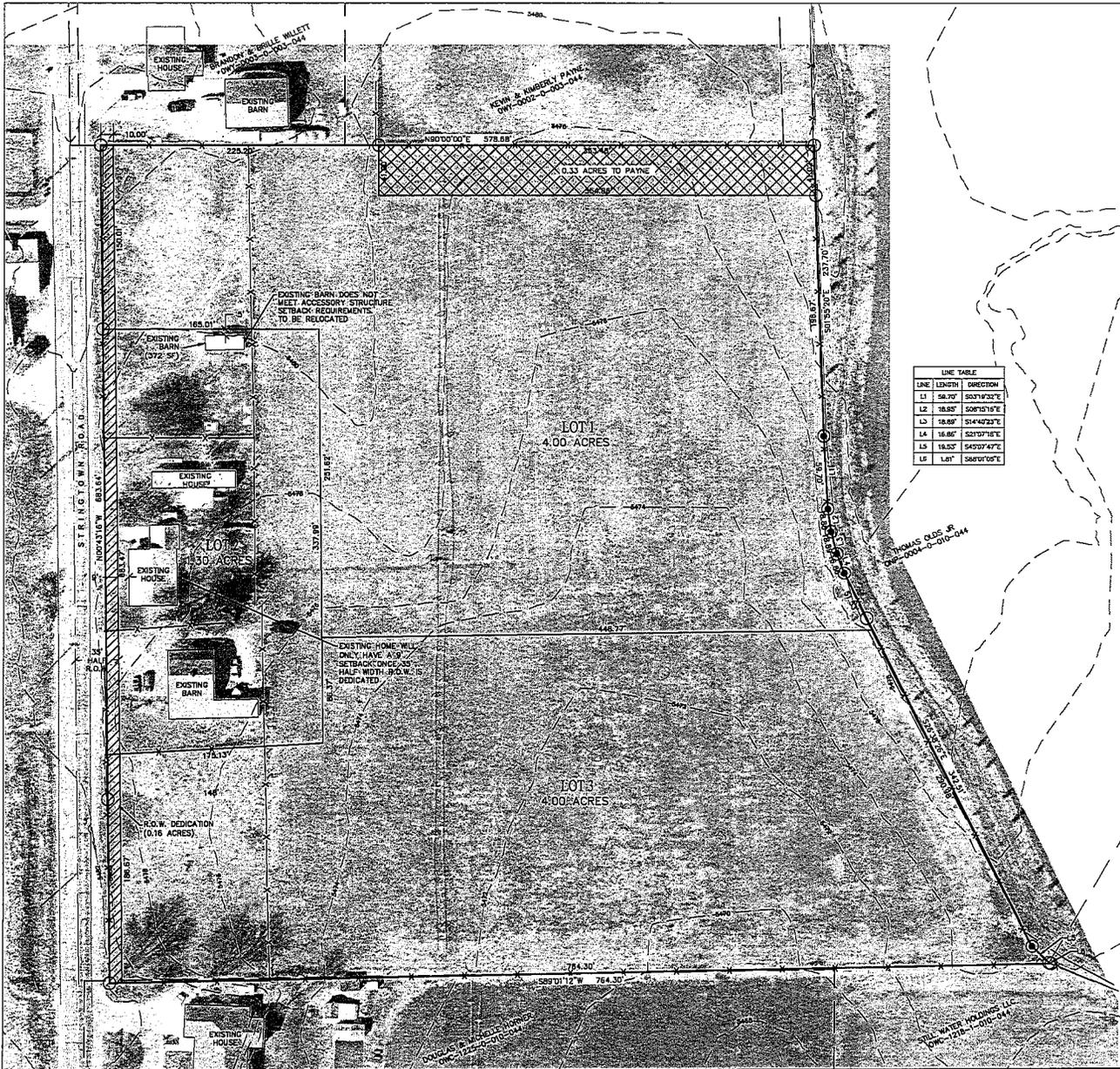
DATE: 12 MAY 2022

DRAWING NO. OF ANNEX_PLAT

SHEET NO. 1 OF 1

DOUGLAS & MICHELLE HORNER
OWP-1222-0-010-044

STILL WATER HOLDINGS LLC
OWC-1215-1-010-044



LINE	LENGTH	DIRECTION
L1	52.70'	S27°12'22"E
L2	18.82'	S07°12'14"E
L3	18.82'	S14°42'23"E
L4	16.80'	S21°07'18"E
L5	18.22'	S45°07'47"E
L6	1.61'	S88°17'05"E

LAND USE SUMMARY
 TOTAL PROPERTY 9.79 ACRES
 NUMBER OF LOTS 3

- LEGEND
- EXISTING FENCE
 - ▨ R.O.W. DEDICATION (0.16 ACRES)
 - ▩ AREA TO PAYNE PROPERTY
 - ▧ PLAT AMENDMENT TO W-BMSY MALLOW SUBDIVISION REQUIRED

*THIS IS A CONCEPT PLAN ONLY. NO APPROVALS FROM MIDWAY CITY HAVE BEEN OBTAINED. PLAN IS SUBJECT TO CHANGE DURING THE APPROVAL PROCESS.



SCALE: 1"=40'

PAYNE VINCENT PROPERTY	
CONCEPT PLAN #1	
<small>380 E. Main St. Suite 204 Midway, UT 84049 ph 435.657.9749</small>	
DESIGN BY: FDB	DATE: 12 MAY 2022
DRAWN BY: DAW	REV: 1

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SHOWN AND RECALC.
 DAVIS, B. BERG P.E.
 SERIAL NO. 290382
 DATE: 12 MAY 2022



PETITION FOR ANNEXATION

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:

1315 South Stringtown Road

Legal description:

See attached description.

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:

<u>Contact Sponsor</u>	<u>Mailing Address</u>
Diane Vincent	1315 Stringtown Road, Midway, Utah 84049

Notice of Intent to File Annexation Petition

Name of Annexation: **Vincent Annexation**

Petitioner's Name: Diane Vincent
Mailing Street Address: 1315 Stringtown Road
City, State, Zip: Midway, Utah 84049

Date: May 12, 2022

Dear Representative of Affected Entities:

Pursuant to Utah State Code Section 10-2-403, I, the undersigned and real property owner, respectfully notify you, as an Affected Entity, that I intend to file a petition to annex certain real property depicted in the attached exhibit, into Midway, Utah.

Sincerely,

Diane Vincent


Signature

Diane Vincent
Name

Mailed to:
Wasatch County Council
Wasatch County Fire Protection SSD
Wasatch County Parks and Recreation
Wasatch County Solid Waste SSD
Wasatch County School District
Heber Valley SSD
Midway Sanitation District
Midway City