



**Project #22-023
Annexations
Land Development Code Amendment**

REPORT SUMMARY...

<i>Project Name:</i>	Annexations
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	April 28, 2022
<i>Submitted By:</i>	Mike DeSimone, Director

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapter 17.53 of the Land Development Code.

BACKGROUND

The proposed amendments are consistent with Utah State Law and are important in implementing the proposed 2022 Annexation Policy Plan. Of importance in this amendment is establishing procedures that Logan City will follow in reviewing a petition for annexation. The States process for accepting, noticing and approving an annexation petition is relatively complex and convoluted; however, how we, as a City consider and evaluate a request relative to our adopted zoning, plans, etc., has not been thoroughly established.

The proposed code language in 17.53.040 establishes that, once the City Recorder certifies an annexation petition, the Department of Community Development will send the request to affected entities for their review, will schedule the request on the Planning Commission’s agenda for their review and recommendation, and will have the Director prepare an analysis and recommendation that will be prepared for the City Council for use in their decision making.

STAFF RECOMMENDATION AND SUMMARY

Staff recommends the Planning Commission review the proposed code amendment and continue it for a decision to the same date as the accompanying 2022 Annexation Policy Plan as that document has a lengthier public meeting/hearing process and requires a second hearing with the PC.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. Establish minimum standards for the review of annexation requests is consistent with the General Plan.

PUBLIC COMMENTS

As of the writing of this report, there has not been any public comment.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 4/16/22, posted on the City’s website and the Utah Public Meeting website on 4/28/22, and noticed in a quarter page ad on 4/14/22.

AGENCY AND CITY DEPARTMENT COMMENTS

As of the time the staff report was prepared, no comments have been received.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments to establish the general requirements for submitting an annexation petition and the review procedures will help ensure the annexation process is transparent and thorough.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



APPLICATION FOR PROJECT REVIEW

For Staff Only <input checked="" type="checkbox"/> Planning Commission		<input type="checkbox"/> Land Use Appeal Board		<input type="checkbox"/> Administrative Review
Date Received 3/21/22	Received By	Scheduled Meeting Date APR. 28 & MAY 20	Zone	Application Number PC 22-023
Type of Application (Check all that apply):				
<input type="checkbox"/> Design Review	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Administrative Design Review	
<input checked="" type="checkbox"/> Code Amendment	<input type="checkbox"/> Appeal	<input type="checkbox"/> Zone Change	<input type="checkbox"/> Other	
PROJECT NAME LAND DEVELOPMENT CODE AMENDMENT 17.53 (ANNEXATIONS)				
PROJECT ADDRESS			COUNTY PLAT TAX ID #	
AUTHORIZED PROJECT REPRESENTATIVE FOR OWNER MIKE DESIMONE			PHONE # 435.716.9022	
MAILING ADDRESS LOGAN CITY HALL 290 NORTH 100 WEST LOGAN UTAH 84321		CITY	STATE	ZIP
EMAIL ADDRESS MIKE.DESIMONE@LOGANUTAH.ORG				
PROPERTY OWNER OF RECORD			PHONE #	
MAILING ADDRESS		CITY	STATE	ZIP
EMAIL ADDRESS				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE NOTICED AND PRESENTED (Include as much detail as possible - attach a separate sheet if needed) Amend the Logan City Land Development Code to include Chapter 17.53 "Annexations" which provides General Requirements for Annexing Property into Logan City. This proposed amendment is in conjunction with the proposed Logan City 2022 Annexation Policy Plan also under consideration.			Total Lot Size (acres)	
			Size of Proposed New Building (square feet)	
			Number of Proposed New Units/Lots	
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permit on behalf of the property owner.			Signature of Property Owner's Authorized Project Representative	
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.			Signature of Property Owner	

City Council: WORKSHOP 6/7/22
HEARING 6/21/22

Chapter 17.53: Annexations (Draft)

§17.53.010 Purpose

The annexation requirements specified in this Chapter are intended to protect the general interests and character of the community; ensure orderly growth and expansion of Logan City; ensure the orderly and logical provision of public services and utilities to new development; protect the public health, safety and welfare; and ensure that annexations are approved consistent with the Logan City General Plan, the Logan City Annexation Policy Plan, and Utah State Law.

§17.53.020 General Requirements

The following specific requirements are hereby established for annexation into Logan City.

- A. Property under consideration for annexation must be considered a logical extension of City boundaries.
- B. Annexation of property must be consistent with this Chapter, the Logan General Plan, and the Logan City Annexation Policy Plan.
- C. The piecemeal annexation of individual small properties shall be discouraged if larger contiguous parcels are available for annexation within a reasonable timeframe to avoid repetitious annexations.
- D. The proposed annexation shall not create or leave islands of county jurisdiction, while peninsulas and irregular boundaries shall be avoided.
- E. Annexations shall generally follow existing roads, utilities, and property lines to minimize the public expense for extending main or service lines and streets.
- F. Annexation requests for parcels located along roadways shall include, at a minimum, the land to the centerline of the public roadway.
- G. If feasible and practical, public utilities shall be extended to the annexed area as soon as practicable after annexation. Expenses associated with such extension shall be the responsibility of the proponent. The City shall determine timing and capacity of extending utilities and services as necessary for safe, reliable, and efficient provision of new services.
- H. The proponent shall include a disclosure of the anticipated needs of public utilities and services and a timeline for new development.

§17.53.030 Property Owner Initiation of Annexation

Logan City's policy is to allow property owners contiguous to City boundaries, absent some reasonable public interest, to be and remain in control of both the discretion as to whether to be annexed into the City, and the timing in conjunction with such annexation.

When initiated by the property owner, the process for annexation shall be as follows:

- A. The property owner or owners shall submit to the City a petition for annexation in a form established by the City and in compliance with State Law. Said petition shall contain signatures of property owners representing a majority of the land area and at least one third (1/3) of the value of real property within the area proposed for annexation.
- B. The petition for annexation shall include a survey of the property to be annexed that is prepared by a surveyor licensed to practice in Utah. The annexation plat shall accurately describe the existing City boundaries, each individual ownership petitioning for annexation, and shall include an accurate legal description of the property to be annexed.
- C. There shall be attached to the annexation petition a statement as to the anticipated timetable for development of the property being annexed.

- D. Annexation petitions with a zoning request for any zone other than Resource Conservation (RC) are subject to review by the Planning Commission who will make a recommendation on the proposed zoning designation(s) to the City Council. The final zoning shall be the responsibility of the City Council and determined concurrently with the public hearing on the proposed annexation.

§17.53.040 Procedures for Annexation Petitions and Annexation Plats

In addition to the procedures for processing annexation petitions set forth in Utah Code, the following procedures shall apply:

- A. After the City Recorder certifies the annexation petitions and prior to final City Council action on the annexation petition, the annexation petition shall be referred to the Director of Community Development for the following:
1. City Department Review. The annexation petition and annexation plat shall be referred to the City Departments and their respective divisions for review.
 2. Affected Entities Review. The annexation petition and annexation plat shall be referred to the Logan School District, Bear River Health Department, Logan Cache County Airport, Cache Metropolitan Planning Organization, Logan Downtown Alliance, Cache County Assessor, Cache County Recorder, Cache County Clerk, Cache County Development Services, Cache County Boundary Commission, Cache County Fire District, Cache County School District, Cache Valley Transit District, Cache Mosquito Abatement District, and any adjacent City potentially affected by this petition for review.
 3. Planning Commission. The annexation petition and annexation plat shall be referred to the Planning Commission for review and consideration. The Planning Commission shall hold a public hearing and make a recommendation on the proposed zoning to the City Council.
 4. Staff Recommendation. The Director of Community Development shall prepare a staff recommendation for the City Council on the proposed annexation that includes the following:
 - a. An accurate map of the proposed annexation area showing the boundaries, property ownership, and significant critical lands;
 - b. Current and potential population of the annexation area;
 - c. Current and potential residential densities of the annexation area and the immediate neighborhoods;
 - d. Existing land uses and development character of adjoining properties and neighborhoods;
 - e. Current and proposed Future Land Use Plan Map designations;
 - f. Current and proposed zoning designations of immediate area and proposed annexation area;
 - g. Statement as to how the proposed annexation area, and its proposed land uses, would contribute to the achievement of the goals and policies of the Logan City General Plan;
 - h. Assessed valuation of the current properties;
 - i. Anticipated demand for municipal services for the proposed annexation area;
 1. Distances from existing utilities to property;
 2. Distances to public schools, parks, commercial areas;
 3. Traffic generated by expected land uses at buildout;
 4. Assessment of service and capacity demands;
 5. Any special requirements due to the presence of environmentally sensitive areas.

- j. Effect the annexation will have upon City boundaries and whether the annexation will ultimately create a potential for islands, undesirable boundaries, and difficult service areas;
 - k. A specific timetable for extending services to the area and how these services would be financed;
 - l. Potential revenue generated by the proposal versus service costs;
 - m. An estimate of the tax consequences to residents of the annexation area;
 - n. Planning Commission recommendation;
 - o. Recommended zoning for the areas under consideration;
 - p. Recommendations or comments from City Departments or Affected Entities;
 - q. Findings substantiating whether the proposed annexation petition and annexation plat comply with the requirements of this Chapter, Utah Code, and the Logan City Annexation Policy Plan;
- B. After receipt of the recommendations from both the Director and the Planning Commission, and after giving notice pursuant to Section 10-2-406 of the Utah Code, the City Council shall hold a public hearing on the proposed annexation. The City Council may either grant or deny the annexation petition.