

River Heights City

Notice is hereby given that the
River Heights City Planning Commission

will hold a

Workshop

November 30, 2017

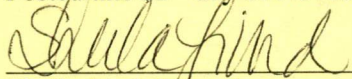
at 6:00 p.m.

in the River Heights City Office Building

at 520 South 500 East to

Discuss the Ridgeview Park Concept Plan

Posted this 22nd day of November 2017



Sheila Lind, Recorder

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

River Heights City

River Heights City Planning Commission Workshop

Minutes of the Meeting

November 30, 2017

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Present: Commission members: Mark Malmstrom, Chairman
Danny Petersen
Lance Pitcher
Cindy Schaub, electronically present
Jake Zollinger

Councilmember Blake Wright
Recorder Sheila Lind
Attorney Jonathan Jenkins

Others Present See attached roll

The River Heights City Planning Commission met for a workshop at 6:00 p.m. in the Ervin R. Crosbie Council Chambers on November 30, 2017.

Commissioner Chair Malmstrom welcomed those present and opened the meeting. He had recently met with City Attorney Jonathan Jenkins and therefore, reviewed with Attorney Craig Winder (of Ironwood) the items the City still needs to receive to have a complete annexation petition. He read parts of Utah Code 10-2-403 in order to come to a joint understanding of being in compliance with the law.

Commissioner Malmstrom asked if notice has been sent to those within 300 feet. Craig Winder said no, because Recorder Lind told them not to. Attorney Jenkins said the County should have mailed out the notices, after which, Ironwood needs to bring in a copy of the notice certification that they were sent. Mr. Winder said Chris Harrild (Cache County Planner) has said the County was fine with their petition.

Commissioner Schaub and others were confused with the change in the meeting's focus. Commissioner Malmstrom explained it was changed because the annexation petition wasn't complete and the City's attorney has advised us to make sure this is right before moving ahead.

Discussion was held on if they have 100% of the real property of the rural area. There are two properties (Jesse Pace and Rod Rounds) which need to be included. These property owners will have an opportunity to protest if they want. Attorney Jenkins said because the two lots were left out, they will create an island. Engineer Rasmussen said there is state statute that says this is allowed, especially because an existing island is shrinking.

Craig Winder clarified they have not applied to annex this property to any other city and that their petition has also been filed with the County.

Commissioner Malmstrom said the biggest thing to be taken care of is for the County to mail notices to property owners within 300 feet and then give a copy of the notice and a certificate that it's been done to the requester. Once the City receives these two items the annexation can move forward.

45 Commissioner Malmstrom said the next step, after annexation, would be to amend the
46 General Plan to include this property. They will be looking at amendments that will be best for River
47 Heights. He read a few statements from the current General Plan: "River Heights should be primarily
48 a residential community of single family homes. It should continue to have an atmosphere of
49 pleasant and quiet residential living." "Encourage owner occupied, single family units in a PUD."

50 Attorney Jenkins asked the Commissioners if they had any questions. There were none.

51 Commissioner Malmstrom reminded the Commission they will make a recommendation to
52 the City Council on whether to accept or deny the petition for annexation.

53 Attorney Jenkins reiterated the next step is for Ironwood to get the certification from the
54 County after they send notices and turn it into the City.

55 Councilmember Wright arrived at 6:30 p.m.

56 Commissioner Petersen asked what restrictions the City could legally put on the property.

57 Attorney Jenkins said, in terms of the annexation, its ultimately up to the City Council, although the
58 Commission can advise them.

59 The meeting adjourned at 6:35 p.m.

60
61
62
63 _____
64 Sheila Lind, Recorder

64 _____
65 Mark Malmstrom, Commission Chair

Please print your name on the roll.

♥ Ted Wilson

TOOO RASMUSSEN

Jim Brackner

Gayle Brackner

CHRISTINE ROBERTS II

Ruth Ann Nelson

MIKE NELSON

Lisa Ellis

Erica Zollinger

Cathie Thunnell

Luigi Thurner

Heena Astle

Charli Gally

Bessie Wakefield

Elaine Thatcher

Denise Whitton

Elaine Whitton

Kelly Hymas

Steve Bilbao

Roxanne Bilbao

Jesse PACE

Jerry L. Pence

Crystal Morrell

JOHN DREW

Andrew Cehake

Effective 5/9/2017

10-2-403 Annexation petition -- Requirements -- Notice required before filing.

(1) Except as provided in Section 10-2-418, the process to annex an unincorporated area to a municipality is initiated by a petition as provided in this section.

(2)

(a)

~~(i)~~ Before filing a petition under Subsection (1) with respect to the proposed annexation of an area located in a county of the first class, the person or persons intending to file a petition shall:

(A) file with the city recorder or town clerk of the proposed annexing municipality a notice of intent to file a petition; and

(B) send a copy of the notice of intent to each affected entity.

(ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the area that is proposed to be annexed.

(b)

(i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be annexed is located shall:

(A) mail the notice described in Subsection (2)(b)(iii) to:

(I) each owner of real property located within the area proposed to be annexed; and

(II) each owner of real property located within 300 feet of the area proposed to be annexed; and

(B) send to the proposed annexing municipality a copy of the notice and a certificate indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

(ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20 days after receiving from the person or persons who filed the notice of intent:

(A) a written request to mail the required notice; and

(B) payment of an amount equal to the county's expected actual cost of mailing the notice.

(iii) Each notice required under Subsection (2)(b)(i)(A) shall:

(A) be in writing;

(B) state, in bold and conspicuous terms, substantially the following: "Attention: Your property may be affected by a proposed annexation.

Records show that you own property within an area that is intended to be included in a proposed annexation to (state the name of the proposed annexing municipality) or that is within 300 feet of that area. If your property is within the area proposed for annexation, you may be asked to sign a petition supporting the annexation. You may choose whether or not to sign the petition. By signing the petition, you indicate your support of the proposed annexation. If you sign the petition but later change your mind about supporting the annexation, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality) within 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.

There will be no public election on the proposed annexation because Utah law does not provide for an annexation to be approved by voters at a public election. Signing or not signing the annexation petition is the method under Utah law for the owners of property within the area proposed for annexation to demonstrate their support of or opposition to the proposed annexation.

You may obtain more information on the proposed annexation by contacting (state the name, mailing address, telephone number, and email address of the official

or employee of the proposed annexing municipality designated to respond to questions about the proposed annexation), (state the name, mailing address, telephone number, and email address of the county official or employee designated to respond to questions about the proposed annexation), or (state the name, mailing address, telephone number, and email address of the person who filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the notice of intent, one of those persons). Once filed, the annexation petition will be available for inspection and copying at the office of (state the name of the proposed annexing municipality) located at (state the address of the municipal offices of the proposed annexing municipality)."; and

(C) be accompanied by an accurate map identifying the area proposed for annexation.

(iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any other information or materials related or unrelated to the proposed annexation.

(c)

(i) After receiving the certificate from the county as provided in Subsection (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for the annexation proposed in the notice of intent.

(ii) An annexation petition provided by the proposed annexing municipality may be duplicated for circulation for signatures.

(3) Each petition under Subsection (1) shall:

(a) be filed with the city recorder or town clerk, as the case may be, of the proposed annexing municipality;

(b) contain the signatures of, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owners of all the publicly owned real property, or the owners of private real property that:

(i) is located within the area proposed for annexation;

(ii)

(A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land area within the area proposed for annexation;

(B) covers 100% of rural real property as that term is defined in Section 17B-2a-1107 within the area proposed for annexation; and

(C) covers 100% of the private land area within the area proposed for annexation, if the area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture and Industrial Protection Areas, or a migratory bird production area created under Title 23, Chapter 28, Migratory Bird Production Area; and

(iii) is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;

(c) be accompanied by:

(i) an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation; and

(ii) a copy of the notice sent to affected entities as required under Subsection (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

(d) If the area proposed to be annexed is located in a county of the first class, contain on each signature page a notice in bold and conspicuous terms that states substantially the following:

"Notice:

• There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.

- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your signature, you shall do so no later than 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.";
- ~~(e)~~ If the petition proposes the annexation of an area located in a county that is not the county in which the proposed annexing municipality is located, be accompanied by a copy of the resolution, required under Subsection 10-2-402(6), of the legislative body of the county in which the area is located; and
- ✓(f) designate up to five of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.
- (4) A petition under Subsection (1) may not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.
- (5) A petition under Subsection (1) proposing the annexation of an area located in a county of the first class may not propose the annexation of an area that includes some or all of an area proposed to be incorporated in a request for a feasibility study under Section 10-2a-202 or a petition under Section 10-2a-302 or 10-2a-302.5 if:
 - (a) the request or petition was filed before the filing of the annexation petition; and
 - (b) the request, a petition under Section 10-2a-208 based on that request, or a petition under Section 10-2a-302 or 10-2a-302.5 is still pending on the date the annexation petition is filed.
- (6) If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:
 - (a) along the boundaries of existing local districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;
 - (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type services;
 - (c) to facilitate the consolidation of overlapping functions of local government;
 - (d) to promote the efficient delivery of services; and
 - (e) to encourage the equitable distribution of community resources and obligations.
- (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the petition to the clerk of the county in which the area proposed for annexation is located.
- (8) A property owner who signs an annexation petition proposing to annex an area located in a county of the first class may withdraw the owner's signature by filing a written withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c) (i).

Amended by Chapter 452, 2017 General Session