

**WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT**

DATE: November 2, 2012

TO: Robert W. Parnacott, County Counsel

FROM: John L. Schlegel, Director of Planning

RE: **DER2012-00009: The Advisability of Proposed Island Annexation by the City of Clearwater (Resolution No. 22-2012).**

Background

Based upon the request of petitioning landowners, the City of Clearwater passed Resolution No. 22-2012 on October 23, 2012 to island annex two parcels (8301 South 135th St. West, Clearwater, KS; and, 13500 West 87th St. South, Clearwater, KS) located near the intersection of 135th St. West and 87th St. South (approximately one mile north of the city limits of Clearwater). Due to insufficient private well water quantities, the owners of the subject parcels have requested annexation into the City of Clearwater in order to receive city water. These parcels are located near several (16) other rural residential properties in the Prairie Meadows Estates Addition and the North Woods Estates Addition that have been island annexed into the City of Clearwater since 2005 for similar reasons.

To approve this island annexation by the City of Clearwater, the Board of County Commissioners must find and determine pursuant to the requirements of KSA 12-520c that these annexations will not hinder the proper growth and development of the area or that of any other incorporated city located within Sedgwick County.

In accordance with the County's Resolution "Adopting Rules and Regulations Regarding the Responsibilities and Duties Imposed on Counties Under K.S.A. 12-519", the MAPD submits the following findings regarding the advisability of this island annexation request by Clearwater. The MAPD has evaluated whether this request will:

- a) Hinder the properly planned growth and development of the area; or
- b) Hinder the properly planned growth and development of any other incorporated city located within Sedgwick County.

The following two land use planning factors have been evaluated:

Factor 1 - Comprehensive Plan Considerations

Although comprehensive plans in the State of Kansas are not binding with respect to future municipal land use and development, they usually reflect a reasonable level of rational planning assessment and community consensus regarding patterns of future municipal growth and the future delivery of municipal services. The comprehensive plan constitutes a formally adopted expression of intent on the part of a municipality regarding its desired future directions of municipal growth. Significant long term infrastructure decisions are usually made by a municipality based upon its adopted comprehensive plan (as frequently reflected in its capital improvement plan).

Evaluation:

- The official City of Clearwater Comprehensive Plan does not show Clearwater's future urban growth area extending northward beyond 87th Street South into the proposed island annexation areas. That is because the annexation areas and properties surrounding it have already been 'developed out' into rural residential acreages.
- Similarly, the proposed island annexations are not consistent with the Wichita-Sedgwick County Comprehensive Plan as last amended in May 2005. The proposed annexation parcels are located north of the northern limit of the designated City of Clearwater 2030 Urban Growth Area. However, no other city in Sedgwick County has identified these annexation areas as part of its future urban growth area.

Factor 2 - Efficient Delivery of Urban Municipal Services

Man-made physical features, topography and associated drainage patterns have a significant impact on the efficient and cost-effective delivery of many municipal services, especially sanitary and storm sewer systems. The unique circumstances of these island annexation requests are such that a full range of municipal urban services will not be extended to these annexation areas.

Evaluation:

- At the request of the City of Clearwater, Rural Water District #4 released the entire Prairie Meadows Addition area from their rural water district benefit area several years ago since it was not prepared to extend rural water service lines into this area. However, the proposed annexation parcel located at 13500 West 87th St. South is still within the original benefit district of RWD #4. The owners have petitioned the RWD #4 Board to be released from the benefit district and have been advised by the Board's attorney that their request will be granted at the next meeting of the Board (scheduled for November 29, 2012). The nearest RWD #4 water line to this property is roughly three miles away.
Other than installing private cisterns and hauling in potable water, the only other potable water option for properties in this area is the City of Clearwater. Although the annexation parcels are 'uphill' from a municipal servicing standpoint, the City of Clearwater extended water services into the proposed annexation areas several years ago using a pump station. To this point in time, 16 such parcels have been island annexed into the City of Clearwater. The City has viewed these island annexation requests as a 'health and safety issue' and has extended water service in order help individuals who are part of the greater Clearwater community. A City of Clearwater water line is currently in place to service the requested annexation parcels. As more residential parcels are developed in the Prairie Meadows Addition, requests for island annexation will likely continue. Clearwater has the water plant capacity to support development within the annexation area.
- The City has indicated that it has no plans on extending sewer services into this area unless the property owners request it and pay for it.
- The City has an interlocal agreement with Ninescah Township to continue to provide road maintenance in the annexation areas.
- The City of Clearwater and the annexation parcels fall within the Clearwater Fire District. The delivery of fire services to this area would not be affected by the proposed annexation.

- The County Sheriff's Department currently services the proposed annexation areas. Should this annexation request be approved, it would become the responsibility of the City of Clearwater Police Department to service these parcels.

Findings

1. ***The annexation will not hinder the properly planned growth and development of the area.*** Although the annexation parcels currently fall outside the established urban growth area of Clearwater as identified in their current Comprehensive Plan and the Wichita-Sedgwick County Comprehensive Plan, this annexation is necessary to provide essential water services and maintain the value and functionality of existing developed parcels.
2. ***The annexation will not hinder the properly planned growth and development of any other incorporated city within Sedgwick County.*** The orderly and properly planned growth of other cities in Sedgwick County will be unaffected by this annexation. No other city has identified this area or these parcels as a future urban growth area.

Recommendation

The Sedgwick County Board of County Commissioners find that the proposed island annexation by the City of Clearwater Resolution No. 22-2012 would not hinder the proper growth and development of the area, nor any other city in Sedgwick County.