

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

DATE: November 2, 2015

TO: Robert W. Parnacott, County Counsel

FROM: Dale Miller, Director of Planning

RE: **DER2015-00008: The Advisability of Proposed Island Annexation by the City of Clearwater (Resolution No. 13-2015).**

Background

Based upon the request of a petitioning landowner, the City of Clearwater passed Resolution No. 13-2015 on October 27, 2015 to island annex Lot 18, Block 2 of the Prairie Meadow Estates Addition (address of 14111 West Prairie Grass Circle, Clearwater, Kansas) located between 79th St. South on the north, 135th St. West on the east, 87th St. South on the south, and 151st St. West on the west. Due to insufficient private well water quantities, the owners of the subject parcel have requested annexation into the City of Clearwater in order to receive city water. This lot is located in the vicinity of several other rural residential properties in the Prairie Meadow Estates Addition and the North Wood Estates Addition that have also been island annexed into the City of Clearwater for similar reasons since 2005.

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 this annexation 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 2006 City of Clearwater Comprehensive Plan identifies the City's intent to provide limited services to rural residential development, including the proposed island annexation property, located in the Prairie Meadow Estates Addition. This area has been developed into rural residential acreages, but has insufficient on-site potable water.
- The proposed island annexation is not consistent with the official 1993 Wichita-Sedgwick County Comprehensive Plan last amended in May 2005. The proposed annexation parcel falls outside of the designated City of Clearwater 2030 Urban Growth Area.
- The proposed island annexation is consistent with the 2035 Urban Growth Area designation for the City of Clearwater as depicted in the Community Investments Plan 2015-2035 adopted by the MAPC on August 20, 2015. The annexation parcel and the entire Prairie Meadow Estates Addition now fall within the designated City of Clearwater 2035 Urban Growth Area.
- No other city in Sedgwick County has identified the annexation parcel 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 this island annexation request is such that a full range of municipal urban services will not be extended to this annexation area.

Evaluation:

- At the request of the City of Clearwater, Rural Water District #4 released the entire Prairie Meadow Estates 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. 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 parcel is uphill from a municipal servicing standpoint, the City of Clearwater extended water services into the Prairie Meadow Estates Addition and the North Wood Estates Addition area several years ago using a pump station. To this point in time, 19 such parcels have been island-annexed into the City of Clearwater. The City considers 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 parcel. As more residential parcels are developed in this area, 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 Ninnescah Township to continue to provide road maintenance in the annexation area.
- The City of Clearwater and the annexation parcel 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 area. Should this annexation request be approved, it would become the responsibility of the City of Clearwater Police Department to service this parcel.

Findings

1. ***The annexation will not hinder the properly planned growth and development of the area.*** This annexation is necessary to provide essential water services and maintain the value and functionality of existing residential property.
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 this parcel 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. 13-2015 would not hinder the proper growth and development of the area, nor any other city in Sedgwick County.