

AGENDA ITEM 4C

PUBLIC HEARING FOR AN AMENDMENT TO THE CITY OF LA VISTA COMPREHENSIVE PLAN – CHAPTER 9 ANNEXATION PLAN

PLANNING COMMISSION

FEBRUARY 21, 2013

Memorandum



To: Planning Commission

From: Christopher Solberg, City Planner

Date: 2/15/2013

Re: Amendment to the Comprehensive Plan – Chapter 9: Annexation Plan

As part of their annual strategic planning process, the Mayor and City Council identified the need to annually review the City's Annexation Plan. It is also an Action Strategy of the City of La Vista Comprehensive Plan to conduct an annual review of the Comprehensive Plan that includes the Annexation Plan as Chapter 9.

Through staff's annual review of the Comprehensive Plan, it was identified that modifications to the Annexation Plan were warranted. Changes to the fiscal analysis worksheets were completed to update the sheets to the current fiscal status. Modification to the Annexation Map proposed include:

- Designation of areas along 66th Street for consideration in the 5-10 year timeline.

RECOMMENDATION:

Staff Recommends the amendment of the City of La Vista Comprehensive Plan – Chapter 9: Annexation Plan.

Chapter 9

ANNEXATION PLAN

INTRODUCTION

Annexation is a means of bringing unincorporated property into the corporate limits of the city and extending municipal services, regulations, voting privileges and taxing authority to new territory. It is also a tool for growth management by establishing more sensible jurisdictional boundaries, facilitating economic development, and fostering more coordinated land development. Annexation is also a means of ensuring that residents and businesses outside the city's corporate limits who benefit from access to the city's facilities and services share the tax burden associated with constructing and maintaining those facilities and services.

A city can only annex land within its extra-territorial jurisdiction (ETJ). The ETJ of a city is the contiguous unincorporated land adjacent to its corporate limits that is not within another city's ETJ. The size of a city's ETJ varies according to population, ranging from one mile for communities with less than 5,000 persons, to three miles for cities greater than 100,000. La Vista currently has a two-mile ETJ.

From an annexation perspective, a city's ETJ serves two functions. First, it prevents another municipality from annexing into another's ETJ. This provides a city with land that it alone can potentially annex. Second, cities are authorized to enforce their subdivision regulations, zoning regulations, and building codes within their ETJ. This is intended to be a means of ensuring that cities will not have to assume maintenance responsibilities for substandard infrastructure upon annexation. This however may not hold true for areas within La Vista's current ETJ and future growth area which have been developed while under the Sarpy County's control.

Annexation is critical to the long-term well being of La Vista. This document details many of the considerations for annexation including conformity with Nebraska law, as well as a list of general policies, and finally it identifies areas for further study based on a one-to-five year, five-to-ten year, and ten-plus year schedule.

ANNEXATION POLICIES

- The City will pursue an annexation program that adds to the economic stability of the city, protects and enhances its quality of life, and protects its environmental resources.
- The City will pursue an annexation program that promotes orderly growth and the provision of municipal services and preserves the city's fiscal position.
- The City will consider annexation of an area to increase the quality of life, upgrade public facilities, and provide the necessary services to meet the needs of the residents of the area.
- Upon annexation, the City will consider the extension of its ETJ as a means of managing growth and providing zoning and building controls.
- The City will oppose the extension of another municipality's jurisdiction or the creation of a special purpose district within the city's ETJ unless the city determines it cannot provide the necessary

services. The City will acknowledge interlocal cooperation agreements regarding growth boundaries created in ~~cooperation~~ with other municipalities.

- The guidelines for the prioritization of annexation should include consideration of the following major issues:
 - Ability to meet State contiguity requirements.
 - Exploration of the cost/benefit ratio through a detailed fiscal plan.
 - Infrastructure capacities and feasibility of provision of services.
 - Importance for economic development purposes, controlling entrances to the city, or other reasons related to fostering more coordinated development or the provision of services.
 - Logical extension of boundaries to fill gaps or clarify jurisdictional boundaries for improved provision of services.

ANNEXATION PLAN CONTENTS

The Annexation Plan for La Vista identifies annexations that include Sanitary and Improvement Districts and other major tracts of land; miscellaneous lots and other tracts of land and rights-of-way may not be identified until a detailed annexation study is performed. The details of the provision of services and other provisions of State law which must be followed in annexing properties will also be identified in a detailed annexation study.

Attached to this plan narrative is a spreadsheet which primarily summarizes the cost and benefit of each area, organized by an annexation timeframe; and a map of the City's corporate limits, ETJ and future growth area which graphically identifies the annexation boundaries by timeframe.

ANNEXATION STUDY PROCESS

(Per R.S. 495 and R.S. 1943, § 16-117, Annexation; powers; procedure; hearing.)

- (1) Prepare a plan with complete information on the city's intentions for extending city services to the land proposed for annexation and state:
 - a. The estimated cost impact of providing the services;
 - b. The estimated method by which the city plans to finance the extension of services and how any services already provided will be maintained;
 - c. A timetable for extending the services;
 - d. A map drawn to scale delineating the land proposed for annexation, the current boundaries of the city, the proposed boundaries of the city after annexation, and the general land use pattern in the land proposed for annexation.

- (2) The City Council adopts the resolution stating that the city is considering the annexation of the land and the plan for extending services. The resolution shall state:

- a. The time, date and location of the public hearing (#10 below);
- b. A description of the boundaries proposed for annexation;
- c. The plan for the extension of city services is available for inspection in the office of the City Clerk.

(3) Not later than 14 days prior to the Planning Commission public hearing, the City Clerk must send notice of the proposed annexation by certified mail, return receipt requested to any of the following entities serving customers in the City or area proposed for annexation:

- a. Natural gas public utility
- b. Natural gas utility owned or operated by the city
- c. Metropolitan utilities district
- d. Any municipality
- e. Public power district
- f. Public power and irrigation district
- g. Electric cooperative
- h. Any other governmental entity providing electronic services
- i. *School District*
- j. *Fire District*

This mailing must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of Planning Commission hearing
- c. How further information can be obtained, including an email or phone number

(4) The City must provide written notice of Planning Commission public hearing by regular mail to owners of property within the area proposed for annexation postmarked at least 10 working days prior to hearing. A certified letter must also be sent to the SID clerk. The notice must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of Planning Commission hearing
- c. How further information can be obtained, including an email or phone number

(5) The Planning Commission reviews the proposed annexation plan and forwards a recommendation to the City Council.

(6) A copy of the resolution providing for the public hearing shall be published in the newspaper at least once not less than 10 days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution.

(7) A copy of the resolution providing for the public hearing shall be sent by first-class mail following its passage to the school board of any school district proposed for annexation.

(8) The City must provide written notice of City Council public hearing by regular mail to owners of property within the area proposed for annexation postmarked at least 10 working days prior to hearing. The notice must include:

- a. Description of the area proposed to be annexed, including a map showing the boundaries of the area proposed for annexation
- b. The date, time, and location of City Council hearing
- c. How further information can be obtained, including an email or phone number

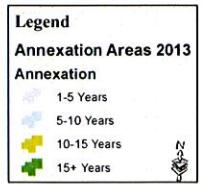
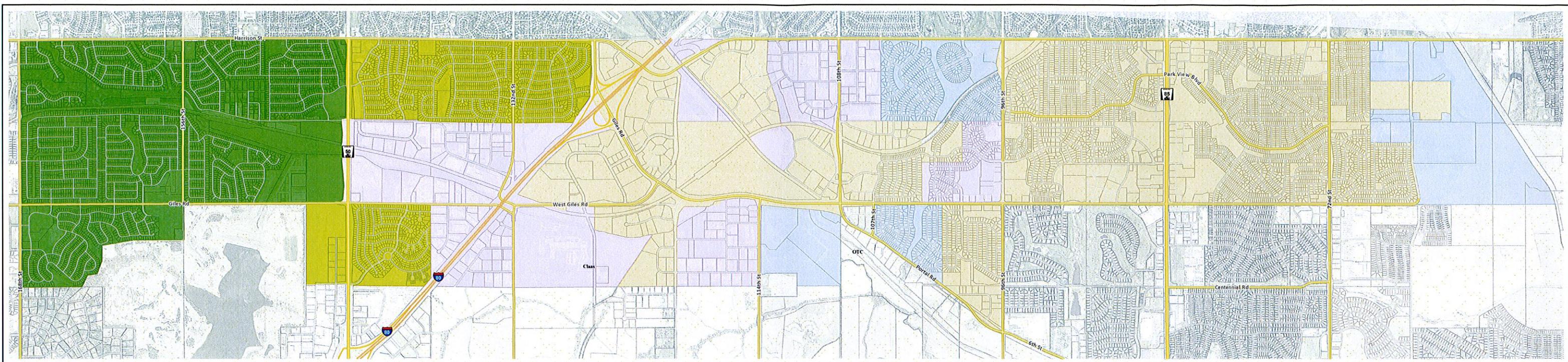
(9) The City Council introduces the annexation ordinance (first reading).

(10) The City Council holds the public hearing on the proposed annexation within 60 days following the adoption of the resolution (the City Council may recess the hearing, for good cause, to a time and date specified at the hearing). The City Council considers the second reading of the annexation ordinance.

- (11) The City Council considers the third and final reading of the annexation ordinance.
- (12) The City Clerk publishes the annexation ordinance and it becomes effective 15 days after passage.

CONCLUSION

This document has been prepared to assist with the decision-making regarding annexation. The information provided is intended to ensure compliance with State law and aid in more complete and well thought out decisions by the city about future annexations. The city's goal is that the policies stated above be evaluated in order for annexation to have the least negative impact on the city and its residents and that the positive attributes and reasons for annexation may be more easily identified and applied to future decisions regarding city growth.



CITY OF LA VISTA ANNEXATION PLAN

February 21, 2013



**City of La Vista
Annexation Summary**

FY13															
General Description	Jurisdiction		Year Platted	SID #	Tax Levy /\$100	Fire Levy	COMP Levy	2013 Valuation	Tax Revenue Generated	Long-Term Debt FY12 Audit Principal Only	Debt to Valuation Ratio	Tax Revenue at COLV Levy	Current Population	Build-Out Population	Cash On-Hand 6/30/2012
One - Five Year		La Vista			0.550000		0.550000	1,060,374,615	5,832,060	56,345,000	5.31%	5,832,060	16,129	¹	
108th & Harrison	1	Oakdale/Brookvalley	1971	59	0.270000			137,598,226	371,515	2,150,000	1.56%	756,790			1,224,000
96th & Giles	2	Mayfair	1998	195	0.505000	0.14511	0.650113	43,350,273	218,919	1,460,000	3.37%	238,427	537		497,000
96th & Giles	2a	Mayfair NON-SID	1998					295,009	-	-	0.00%	1,623			
Port Grace & Eastport	2b	Sod Farm	Unplatted					78,035	-	-	0.00%	429			
I-80 Business Park-2nd															
118th & Harry Anderson	2c	Add & Lots	2001					378,738	-	-	0.00%	2,083			
126th & West Giles	3	² Otte-Sarpy Ind Park	1998					2,008,985	-	-	0.00%	11,049			
126th & West Giles	3a	² Omaha Dev Foundation	1998					109,856	-	-	0.00%	604			
136th & Giles	3b	² Interstate Industrial Park	1990					13,439,269	-	-		73,916			
132nd & Giles	3c	² Claas	Unplatted					12,210,342	-	-	0.00%	67,157			
136th & Chandler	3d	² Centech Business Park	1995	172	0.619999	0.0925	0.712499	47,192,774	292,595	1,780,000.00	3.77%	259,560			415,000
136th & Chandler	3e	² Centech NON-SID	1995					145,838	-	-	0.00%	802			
I-80 & Giles	3f	² I-80 Industrial Park	1993	163	0.425286	0.0925	0.517786	41,924,754	178,300	1,700,000.00	4.05%	230,586			207,000
144th & Chandler	3g	Chalco Valley Bus Park	1991					17,704,127	-	-	0.00%	97,373			
132nd & Chandler	3h	Bella La Vista						198,546	-	-	0.00%	1,092			
Five-Ten Year															
66th Street		³ All Purpose UT						2,303,231	-	-	0.00%	12,668			
96th & Harrison		Cimarron Woods	2004	237	0.560000	0.14511	0.705113	116,914,604	654,722	5,390,000	4.61%	643,030	1473	1754	1,670,000
100th & Giles		Portal Ridge	2006	276	0.900000	0.14511	1.045113	31,385,425	282,469	5,292,437	16.86%	172,620	321	670	1,664,000
114th & Giles		⁴ OTC Business Park	2004					34,392,366	-	-	0.00%	189,158			

¹ Population estimate - US Census Bureau 2011

² Look @ 132nd interchange timing, cost, implications - 2013 bid letting (short term) \$2.9M (10% City share & 10% County share)

³ Look @ funding split for 66th Street Improvements

⁴ In accordance with the Subdivision agreement can not annex until 12/31/19.

⁵ Not located in the current ETJ.

* Count in progress

City of La Vista Annexation Summary