



# Planning Commission Hearing Staff Report Hearing Date: May 22, 2019

**\*ITEM 3** Julie Smith requests the annexation (Peay Annexation) of 13.45 acres of property into the incorporated limits of Provo City, located at approximately 5400 N Canyon Road. North Timpview and Riverbottoms neighborhoods. Brian Maxfield (801) 852-6429 PLANEX20180355

<p><u>Applicant:</u> Community Development</p> <p><u>Staff Coordinator:</u> Brian Maxfield</p> <p><u>Property Owner:</u> Janice Peay</p> <p><u>Parcel ID#:</u> 20:027:0139 / 20:014:0016 / 20:014:0017 / 20:014:0018 / 20:014:0007 / 20:014:0008 / 20:027:0176</p> <p><u>Acreage:</u> 13.45</p> <p><u>Number of Properties:</u> 7</p> <p><u>Current Zoning:</u> Utah County - TR-5 Transitional Residential</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1. <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is June 12, 2019 at 6:00 P.M.</i></p> <p>2. <b>Recommend denial.</b> <i>This action <u>would not be consistent</u> with the recommendation of the Staff Report. The Planning Commission should <u>state new findings</u>.</i></p>	<p><u>Relevant History:</u> This property was included within a proposed annexation in 2016. At that time, the annexation was denied as it did not meet all requirements of the State Code. The State Code has since been amended so that the 2016 application could be approved today, with the consent of Utah County.</p> <p><u>Neighborhood Issues:</u> The neighborhood response has been that they would like to have this annexation considered in conjunction with the annexation of the larger portion of this northeast area of the city. There is a neighborhood meeting scheduled for May 30<sup>th</sup> regarding the larger proposal.</p> <p><u>Summary of Key Issues:</u> Appropriateness of annexation at this time.</p> <p><u>Related Items:</u> None</p> <p><u>Staff Recommendation:</u> That the Planning Commission recommend to the Municipal Council approval of the proposed Peay Annexation.</p> <p><i>This action <u>would be consistent</u> with the recommendations of the Staff Report.</i></p>
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## **OVERVIEW**

This item is the proposed annexation of property owned by Janice Peay, consisting of approximately 13.45 acres. The area is located at about 5400 North, on both sides of Canyon Road, but with the large majority of the land being on the east side of the roadway.

***Annexation Requirements and Guidelines.*** Annexations are governed by State Code as well as City Code. State Code requirements generally relate to the annexation process to be followed. The City Code adheres to those same requirements, but also lists the following guidelines to be considered:

### **Section 15.15.010**

In order to assure orderly growth and development of the community and protect the general interest of the taxpaying public as well as the rights of individual property owners who wish to annex to the City, the following specific guidelines are established.

(1) That no annexation fee be charged. The City's policy of requiring developers and developers to provide for improvements through a bond procedure or through a special improvement district makes it unnecessary for the City to assess general impact fees at the time of annexation. Developers will, however, be subject to appropriate fees to offset the cost to the City of planning and supervision of subdividing, and the providing of utilities as those fees are provided for throughout the Provo City Code, other ordinance of the City or by resolution duly passed. A party annexing property will likewise be charged for services of the City for preparation of the annexation plat if that work is done by the City rather than by a private engineer or surveyor.

(2) That every annexation includes the greatest amount of property possible, be a contiguous area and be contiguous to the City's municipal boundaries.

(3) That piecemeal annexation of individual small properties not be allowed if contiguous parcels, soon to be developed, are available, in order to avoid repetitious annexation.

(4) That no pocket or islands of county jurisdiction be left or created, and that peninsulas and irregular boundaries be minimized.

(5) That annexations generally follow existing roads, utilities and property lines in order to minimize the public expense for extension of main or service lines and streets.

(6) That in order to facilitate the consolidation of overlapping functions of local government, promote the efficient delivery of services, encourage the equitable distribution of community resources and obligations and eliminate islands and peninsulas of territory that are not receiving municipal services, the boundaries of an area proposed for annexation shall be drawn, where practicable and feasible, along the boundaries of existing special 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.

(7) That City utilities and services not be extended to unincorporated properties on the fringes of the City nor to islands of unincorporated property. In order to provide for orderly growth and development in the City and to avoid confusion and undue cost to the taxpayers, all utility and service hook-ons shall be limited to incorporated areas of the City and shall not be made available extraterritorially. The only exception shall be to those extensions which are made pursuant to agreements with other units of government under the Interlocal

Government Cooperation Act, or by specific approval of the Municipal Council on request of the Mayor.

- (8) That utilities be extended to annexed areas as soon as practicable after annexation.
  - (a) Each annexation should require a disclosure by the developer of anticipated needs of utilities and street improvements and a timetable of anticipated development.
  - (b) Needed utilities should be extended into the annexed area as soon as practicable subject to budgetary limitations and extensions of main and service lines should be chargeable to the property development rather than to the public generally.

As stated in the guidelines, every annexation is to include the greatest amount of property possible (#2); that piecemeal annexation of individual small properties not be allowed if contiguous parcels, soon to be developed, are available, in order to avoid repetitious annexation (#3); and, that no pocket or islands of county jurisdiction be left or created, and that peninsulas and irregular boundaries be minimized (#4). It is known by staff, that additional lands in the area will soon seek annexation into the City. It is also known that certain property owners in the area do not want their properties annexed into the city, at least at this time. A large number of those properties are also within an adopted Agricultural Protection area which, by State Code, prevents their being forced into the city as part of a larger annexation. This is the case with the Gillespie properties, directly adjacent to the Peay properties on both its eastern and southern borders.

***Proposed Zoning and Future Development.*** The applicant has filed a concurrent concept plan for the development of the property which indicates the owner’s proposals for utility locations. However, because of an ongoing review of utility services necessary for the future and development of this entire northeast area of the city, city staff believes the concept plan cannot be supported at this time. Instead, the concept plan will be presented with a proposed zone change at a future time.

Without a proposed zone for the property, zoning for the property is subject to Section 14.02.080 of the Zoning Ordinance.

**14.02.080 Annexed Territory - Zoning**

Any property which, for any reason, is not designated on the official Zoning Map as being classified in any of the zones established hereby; or any property in the process of annexation, or annexed to or consolidated to Provo City subsequent to the effective date of this Section, shall be deemed to be classified in accordance with the lowest density zone allowed by the land use designation set forth for the subject property in the Provo City General Plan.

The subject area is designated as “Residential” on the General Land Use Plan. Therefore, this section of the Ordinance would mean the annexed area should have an initial zoning designation of “RA Residential Agricultural,” the lowest density

“Residential” classification. That zone requires a minimum of ½ acre (21,780 square feet) per lot.

### **FINDINGS OF FACT**

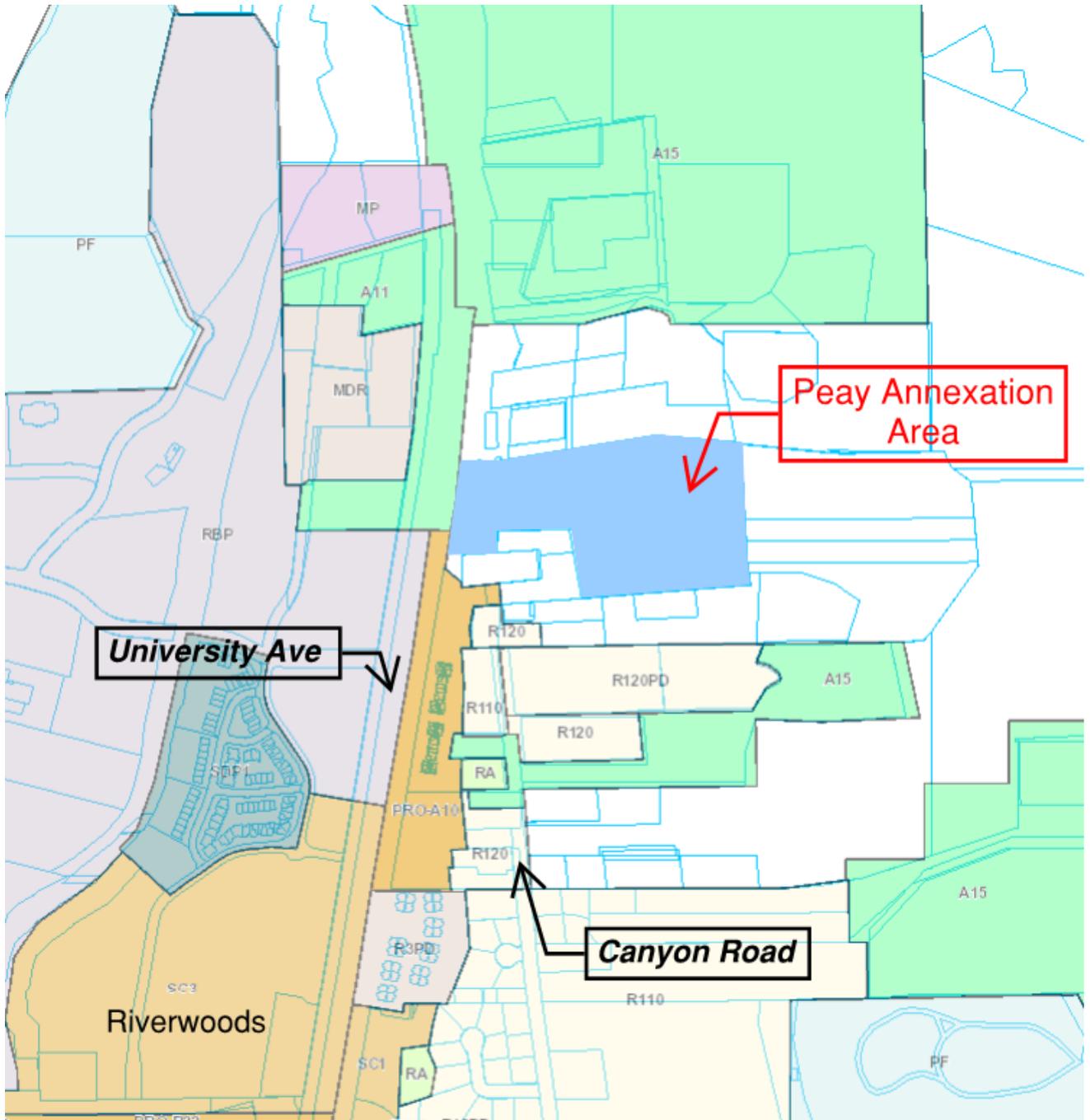
- The proposed annexation is within Area 5 of the City’s Annexation Policy Map.
- The proposed annexation is contiguous with the City along the subject area’s western edge.

### **CONCLUSIONS**

At issue is the appropriateness of the annexation without the inclusion of additional properties. However, consideration needs to be given to the fact that many of the adjoining properties are opting not be included in the annexation and cannot be forced to do so. Additionally, staff believes that although a concept plan cannot be recommended for the proposed annexation area at this time, proceeding to bring the property into the city under an “RA” zoning designation would seem to alleviate many concerns about creating entitlements for development than would a more intensive zone designation. Development under the City’s RA zoning designation would still be limited by available utility services, and at this time, it is unlikely any return on the sale of the land would be sufficient to adequately address outstanding utility limitations.

### **RECOMMENDATION**

That the Planning Commission recommend to the Municipal Council approval of the proposed Peay Annexation.



**Location Map with Current City Boundaries and Zoning**  
*(properties with no zoning indicated are currently outside of Provo City's boundaries)*

## 2009 Provo City General Plan

# Annexation Policy Map

**Area one:** No serious water or sewer constraints exist in this area. The General Plan calls for Residential and Commercial development in this area. However, a portion of this area is currently being used for a sand and gravel mining operation with permits issued in the county. Any significant development here would first require the reclamation of the mining operation. Since South State Street is one of the major entries to the city, having this property in the city gives Provo some control over how it develops, and the image created as one enters Provo.

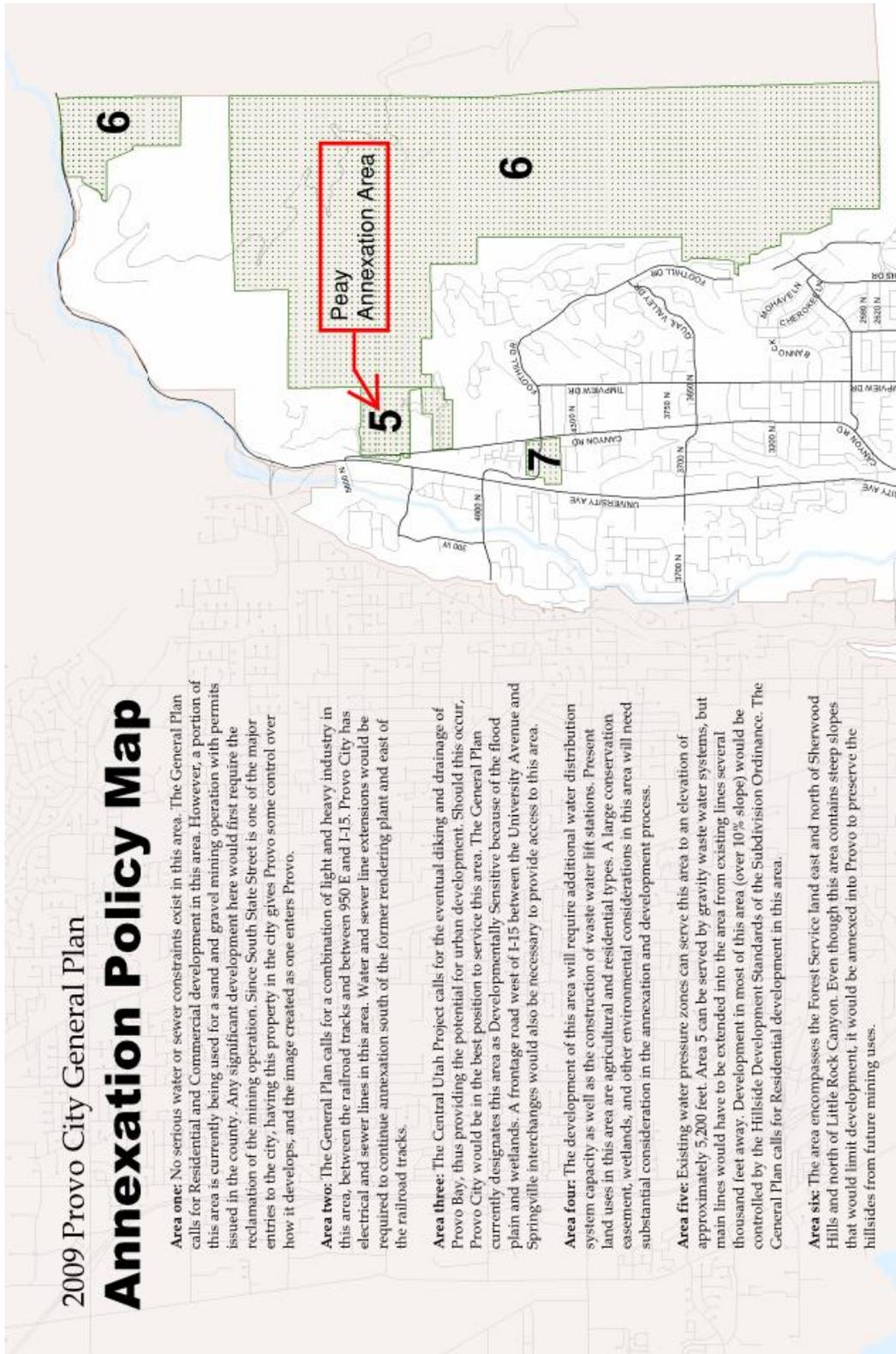
**Area two:** The General Plan calls for a combination of light and heavy industry in this area, between the railroad tracks and between 950 E and I-15. Provo City has electrical and sewer lines in this area. Water and sewer line extensions would be required to continue annexation south of the former rendering plant and east of the railroad tracks.

**Area three:** The Central Utah Project calls for the eventual diking and drainage of Provo Bay, thus providing the potential for urban development. Should this occur, Provo City would be in the best position to service this area. The General Plan currently designates this area as Developmentally Sensitive because of the flood plain and wetlands. A frontage road west of I-15 between the University Avenue and Springville interchanges would also be necessary to provide access to this area.

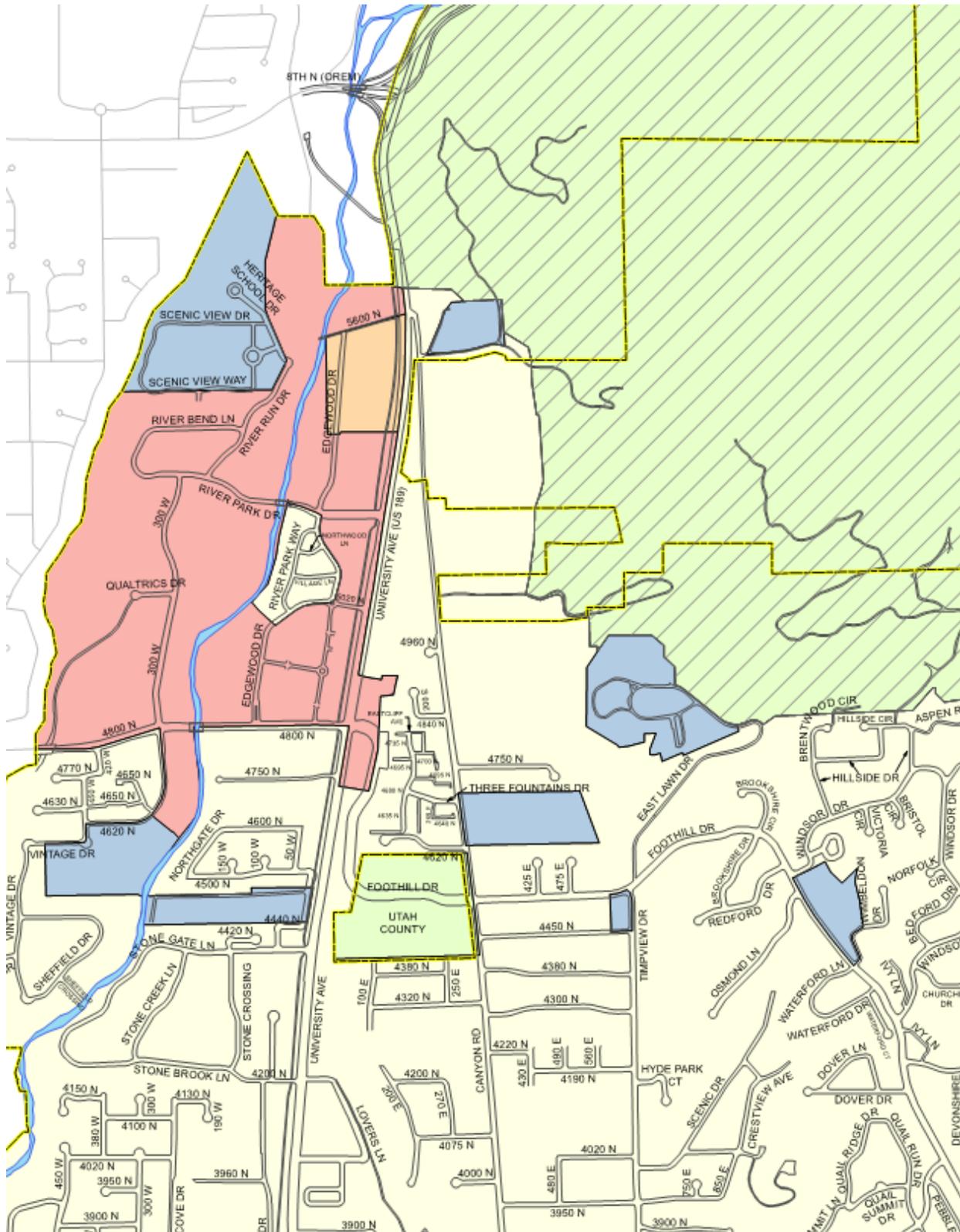
**Area four:** The development of this area will require additional water distribution system capacity as well as the construction of waste water lift stations. Present land uses in this area are agricultural and residential types. A large conservation easement, wetlands, and other environmental considerations in this area will need substantial consideration in the annexation and development process.

**Area five:** Existing water pressure zones can serve this area to an elevation of approximately 5,200 feet. Area 5 can be served by gravity waste water systems, but main lines would have to be extended into the area from existing lines several thousand feet away. Development in most of this area (over 10% slope) would be controlled by the Hillside Development Standards of the Subdivision Ordinance. The General Plan calls for Residential development in this area.

**Area six:** The area encompasses the Forest Service land east and north of Sherwood Hills and north of Little Rock Canyon. Even though this area contains steep slopes that would limit development, it would be annexed into Provo to preserve the hillsides from future mining uses.



**Annexation Policy Map**



**General Land Use Plan Map**

