

Payson City Council Staff Report, November 16, 2016

Acceptance of the Holdaway-Pleasant Plats Annexation Petition for Further Review

Application type: Petition for Annexation

Applicable Regulations: Utah Code Annotated §10-2 et. seq.; Payson City Zoning Ordinance, Chapter 19.12

Standard of Review: Legislative with Recommendation from Planning Commission

Approving Body: City Council

Background

The annexation sponsor, Phil Holland with Wright Development Group, is requesting that the existing municipal boundaries be extended to the east and encompass properties owned by Richard & Yvonne Holdaway, Pleasant Plats Properties LC, and Bar K Development LC. The proposed Holdaway-Pleasant Plats Annexation includes parcels located south and adjacent to SR 198 extending to 100 South and between 1300 East and 1500 East (2100 West, Utah County coordinate system). The proposed annexation includes three (3) parcels containing approximately 39.38 acres and portions of existing roadways for a total annexation area of 43.61 acres. There is an existing single family dwelling on one parcel with the remaining property used for agricultural purposes.

The properties are included in the East Side planning area. Section 5.1 of the East Side Comprehensive plan states, "In general, annexations will be at least one hundred (100) acres in size and be accompanied by a Specific Plan that identifies how municipal services will be provided to the area and the anticipated development pattern." The City Council will need to determine the appropriateness of accepting an annexation petition that contains less than one hundred (100) acres. The annexation sponsor has indicated a willingness to prepare a Specific Plan to address land use, infrastructure systems, transportation facilities, etc.

Staff has not yet reviewed the proposed annexation in detail. The main focus of the City Council is to determine whether or not the annexation petition should be accepted for further review. If the City Council accepts the petition for further review, staff will process the application under Chapter 19.12 of Title 19, Zoning Ordinance. Items such as the availability of utilities, relation to other public utilities, water rights, land use, and environmental issues would be addressed during the review by staff.

Analysis

Acceptance of the annexation petition is only an action to further study the proposed annexation. The City Council is under no obligation to annex the area following a staff analysis of the proposed annexation. At any point in the review process the City Council may deny the petition for annexation. Denial of a petition for annexation by the City Council will have the effect of ending any further review of the proposed annexation.

The initial step in the annexation process requires the City Recorder to certify the annexation petition. In order for the City Recorder to certify the petition, the petition will be reviewed to ensure that the provisions of Section 19.12.3 of the Zoning Ordinance have been satisfied. Those provisions state:

1. An ownership plat map from Utah County showing all property owners in Payson City within five hundred (500) feet of the proposed annexation and all Utah County residents within one quarter (1/4) mile of the proposed annexation. *If the petition is accepted for further review, the applicant shall provide pre-addressed stamped envelopes with the names of all property owners in Payson City within five hundred (500) feet of the proposed annexation and all Utah County residents within one quarter (1/4) mile of the proposed annexation, prior to scheduling a public hearing with the City Council.*
2. Signatures from the owners of real property located in the area proposed for annexation that covers a majority of the private land and is equal in value to at least one third of the value of all private property, as shown by the latest tax

assessment rolls of Utah County. *The proposed annexation contains 39.38 acres of real property. There are signatures in favor of the annexation by the owners of 36.38 acres of land held in private ownership which exceeds the minimum requirement of 20.08. Moreover, the proposed annexation contains a total assessed valuation of \$140,732 of private land. There are signatures in favor of the annexation by the owners of \$138,530 of property valuation of private land which exceeds the minimum of \$46,442 of valuation. The requirements of State statute have been satisfied in this regard.*

3. An accurate map prepared by a licensed surveyor of the area proposed for annexation suitable for recordation in the office of the County Recorder. *An annexation plat map has been submitted and is attached hereto.*
4. Documentation for conveyance of water rights, public rights-of-way, streets, and other dedications required by this Section or other federal, state, or local laws or ordinances. *Additional information will need to be provided if the annexation petition is accepted for further review.*
5. An agreement to observe and obey all applicable laws, ordinances, and resolutions recognized by Payson City. *The standard agreement has been signed by the annexation sponsor and has been recognized by the City Recorder.*
6. The applicant shall indicate the proposed land use designation in a Specific Plan or request the City Council to provide a zoning designation for the area proposed to be annexed. *The annexation sponsor is proposing a mix of commercial and residential zoning. If accepted for further review, a Specific Plan should be prepared to further identify the various land use designations similar to what has been prepared for other large annexations. Land use designations are to be consistent with the Payson City General Plan and the East Side Comprehensive Plan.*
7. Within twenty (20) days of acceptance of the petition for review by staff, staff will submit all information regarding the proposed annexation to the office of the Utah County Recorder for their review. *The City Recorder will submit the information to the Utah County Clerk if the City Council decides to accept the petition for further review.*

Staff has determined that the application submission requirements of the Zoning Ordinance have been satisfied by the annexation sponsor. If the annexation petition is accepted for further review, the annexation sponsors will need to satisfy the annexation regulations as outlined in State statute and City ordinance.

Recommendation

Following the review of the petition for annexation and any other relevant information, the City Council may accept the annexation petition for further review, accept the petition for further review based on the satisfaction of certain conditions, remand the petition back to staff for further review, or deny the petition for annexation.

If the City Council accepts the petition for further review, the petition will be forwarded to staff and the Planning Commission to ensure that the provisions of Chapter 19.12 of the Zoning Ordinance are satisfied. Once the provisions have been satisfied, a public hearing will be scheduled for the City Council to receive public input and review the proposed annexation and agreements. It should be emphasized that acceptance of the petition is only an action to further study the proposed annexation and should not be construed as approval of the annexation.

Again, the City Council is under no obligation to approve an annexation petition. Denial of the annexation petition by the City Council will have the effect of ending any further review of the proposed annexation. In order to have the land annexed into Payson City, the petitioners will need to re-submit the proposed annexation as a new petition and satisfy each of the requirements of Chapter 19.12 of the Zoning Ordinance including the payment of all review fees. The Payson City Council is under no obligation to accept any annexation petition or approve any annexation.