

Payson City Council Staff Report, May 31, 2017

Acceptance of the DAE 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, Jeff Anderson representing DeVere Anderson Enterprises, has submitted an annexation petition that includes five (5) parcels containing approximately 213 acres located east of Arrowhead Trail between approximately 1000 North and 1400 North. The parcels in the proposed annexation are owned by B&D Mitchell Properties LLC; Elvin Gene & Becky D Sumsion; Richard Dean & Mary Jacquelyn Thomas; Clint Horn; and JJM Arrowhead LC. The parcels are currently used for agricultural purposes.

Staff has not yet reviewed the proposed annexation in detail. The main focus of this review 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 (¼) mile of the proposed annexation. *If the petition is accepted for further review, the applicant will be required to provide pre-addressed stamped envelopes for all property owners in Payson City within five hundred (500) feet of the proposed annexation and all property owners in Utah County and Salem within one quarter (¼) mile of the proposed annexation. The envelopes will be used to send notification to the surrounding property owners of the required public hearing.*
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 209.48 acres of real property. There are signatures in favor of the annexation by the owners of 208.48 acres of land held in private ownership which exceeds the minimum requirement of 106.83. Moreover, the proposed annexation contains a total assessed valuation of \$45,789 of private land. There are signatures in favor of the annexation by the owners of \$15,589 of property valuation of private land which exceeds the minimum of \$15,110 of valuation. The requirements of State statute have been satisfied in this regard. (See attached spreadsheet for details)*
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. *The annexation sponsor has provided information on existing water rights. Additional information regarding right-of-ways, dedications, and access 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 annexation sponsor 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 the preparation of a Specific Plan. Following acceptance of the petition for further review, a Specific Plan will be prepared to further identify the various land use designations similar to what has been prepared for other large annexations. Land use designations should be consistent with the Payson City General Plan.*
7. Following acceptance of the petition, staff will notify Utah County that the petition was accepted for further review. Utah County will complete a review of the proposed annexation for compliance with Utah Code and determine if there are any discrepancies with the proposed boundaries. The annexation sponsor will need to contact the appropriate Utah County divisions to prepare a list of existing uses, potential violations, ownership and maintenance of roads, and other issues that could affect the improvement of the property.

Staff has determined 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 or modifications, 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 the provisions of Chapter 19.12 of the Zoning Ordinance are satisfied. Once the requirements have been satisfied, a public hearing will be scheduled for the City Council to receive public input before final action is taken on the annexation petition. 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, the petitioners will need to re-submit the proposed annexation as a new petition and satisfy 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.