

Provo City Planning Commission

Report of Action

May 25, 2022

Item 2* The Development Services Department requests an amendment to Chapter 15.15 (Annexation) of the Provo City Code relating to the annexation of islands, peninsulas, irregular boundaries, etc. Citywide application.
Brandon Larsen (801) 852-6408 jblarsen@provo.org PLOTA20220167

The following action was taken by the Planning Commission on the above-described item at its regular meeting of May 25, 2022:

RECOMMEND APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Robert Knudsen

Second By: Dave Anderson

Votes in Favor of Motion: Dave Anderson, Lisa Jensen, Robert Knudsen, Laurie Urquiaga, Daniel Gonzales, and Melissa Kendall

Laurie Urquiaga was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff noted that this amendment is proposed to bring the City Code in harmony with Utah Code relative to the annexation of oddly shaped additions.

CITY DEPARTMENTAL ISSUES

- Staff is aware of no concerns from City departments.

NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- No comments were received before or at this meeting.

PLANNING COMMISSION DISCUSSION

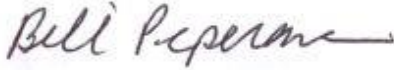
Key points discussed by the Planning Commission included the following:

- The Commissioners appeared to understand this was a housing-keeping text amendment and had few comments.
- The proposal provides criteria by which oddly shaped annexations may be approved (they are currently prohibited by City Code). Commissioner Gonzales stated the proposal should be revised to help code users understand that all criteria must be met to obtain the allowances provided by this proposal.
- Commissioner Knudsen made a motion, which was seconded by Commissioner Anderson, to approve the proposed ordinance text amendment with a slight revision to help City Code users understand that all criteria in the proposal

must be met (please see italicized “*all*” in Attachment “A”). The proposal was approved by the Planning Commission 6-0.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Development Services Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Attachment “A”

15.15.010

General Requirements.

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 a~~No pocket or islands of county jurisdiction shall be left or created, and ~~that~~ peninsulas and irregular boundaries shall be minimized, unless all the following criteria are met:
 - (a) the area is within Provo City's expansion area, as defined in Utah Code Section 10-2-401;
 - (b) the specified county in which the area is located and Provo City agree to the annexation;
 - (c) the area is not within the area of another municipality's annexation policy plan, unless the other municipality agrees to the annexation; and
 - (d) the annexation is for the purpose of providing municipal services to the area.
- (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.

The Provo City Code is current through Ordinance 2022-12, passed March 15, 2022.

Disclaimer: The city recorder has the official version of the Provo City Code. Users should contact the city recorder for ordinances passed subsequent to the ordinance cited above.

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