

Payson City Council Staff Report, November 6, 2013

Request for Approval of the Proposed Red Bridge Annexation

Approval Process:

Development Review Committee:	Technical and Administrative Review
Planning Commission:	Recommendation to City Council
City Council:	Approval or Denial (Legislative Action)

Background

The proposed Red Bridge Annexation is located west of the municipal boundaries generally between 1700 West (4600 West, Utah County coordinate system) and 7000 West (Utah County coordinate system) and between Utah Avenue (10400 South, Utah County coordinate system) and approximately 1130 West (11000 South, Utah County coordinate system). The annexation area is west of Interstate 15 and the Union Pacific rail line in an area often referred to as West Mountain. The majority of the annexation area is utilized for agriculture and other farming activities; however, there are non-agricultural uses included in the annexation, such as the Payson City landfill. The annexation includes forty-nine (49) parcels and contains approximately twelve hundred (1200) acres of property.

Although a desire to annex property in this area of West Mountain has been expressed by several landowners over the years, an annexation petition that satisfied the minimum requirements of State statute or City ordinance was not submitted until September 2012. To define the future boundaries of Payson and develop planning strategies to assist in managing the growth expected in south Utah County over the next twenty (20) years, staff initiated the annexation process and the petition was accepted for further review by the City Council and subsequently certified by the Payson City Recorder.

Since the time the annexation petition was accepted for further review, several actions have been taken to advance the annexation process. Staff has conducted neighborhood meetings to discuss the annexation process and to learn of current and future plans of property owners in the annexation area. Several meetings were necessary to address proposed zoning, municipal services, and other land use considerations such as water rights, property taxes, and animal rights. During this time, staff also processed several ordinance amendments to address the potential needs of rural development, including regulations for animals, hunting provisions, and a new zoning district to address municipal landfills and the extraction of earth materials.

Another issue that has affected the progress of the Red Bridge Annexation is a petition filed with Utah County requesting the incorporation of West Mountain City. At one time, the parcels included in the proposed annexation were included in the incorporation request. However, Utah County determined the Red Bridge Annexation was filed with the Utah County Clerk before a complete application was submitted for the incorporation petition. Therefore, the incorporation boundaries were amended to exclude the parcels included in the proposed annexation.

Since the filing of the annexation petition, staff has received inquiries to include additional parcels in the proposed annexation. Likewise, staff has received requests to remove parcels from the proposed annexation. Because the incorporation request includes all parcels outside the boundaries of the proposed annexation, the petition cannot be amended to include any additional parcels. Requests to remove parcels from the proposed annexation will need to be reviewed by City staff and the Utah County Clerk to ensure consistency with the minimum petition requirements of State statute and City ordinance.

Typically, annexation petitions are submitted by property owners seeking to have property included within the municipal boundaries for development purposes. In this instance, Payson City is a petitioner and the annexation is being processed partially to ensure the City maintains jurisdiction over several key municipal facilities, including the sanitary landfill. However, it is critical to note that annexation does not result in any type of development entitlement and all development in the area proposed for annexation will be subject to all regulations of the adopted development ordinances.

Analysis

Annexation is a complex and extremely important issue for any municipality. Extension of the municipal boundaries should only be completed when it can be clearly shown that including the property in the City will be a benefit to the community. These benefits are measured in many ways including fiscal considerations, ensuring consistency of land use goals and realization of the General Plan, and many other factors.

Recognizing that a majority of the annexation area will continue to be used for agricultural purposes for some time following annexation, it is unnecessary to complete a comprehensive review of the property for development potential at this time. However, additional studies and entitlement review will need to be conducted prior to any future development within the annexation area. It should be noted that no requirements of annexation or development entitlement are being waived, but rather suspended until the future development pattern of the property has been identified. For the purposes of this petition, staff has determined that it would be appropriate for the Planning Commission to formulate a recommendation based on a review of any qualified protests, existing land uses, and determination of the appropriate zoning designation with all other annexation requirements addressed prior to development approval for any portion of the property in the proposed annexation.

Qualified Protests

Utah Code Annotated (UCA) provides a thirty (30) day protest period for affected entities as defined in UCA §10-2-407. The protest period has concluded and the City Recorder has verified that no qualified protests were filed. For informational purposes, if a qualified protest were submitted, the applicant would have been required to complete additional fiscal analyses to determine if the annexation would result in a fiscal hardship on any qualifying entity (generally Utah County, adjoining cities, and special districts).

It should be noted that the owner of Utah County parcel #53-156-0001 has requested his property be excluded from the annexation. This parcel is located along the northern boundary of the annexation and removal of the parcel would not affect other parcels in the annexation and the annexation petition will still satisfy the minimum requirements of State statute. Removal of the parcel must be approved by Utah County and will need to be included in the West Mountain incorporation request to avoid creating an island of unincorporated land.

Zoning Designation

In accordance with Section 19.12.2 of Title 19, Zoning Ordinance, all annexation petitions should be consistent with the Payson City General Plan. As currently adopted, the Payson City General Plan indicates several land use designations within the annexation boundaries. The majority of the parcels have a low density residential (.2 – 1 dwelling units per acre) designation. The parcels along 1700 West near the Payson Business Park are anticipated to be an expansion of the business park with some parcels included in a Transit Oriented Development (TOD) Zone to support a future transit center for the Utah Transit Authority. The area surrounding the transit center will likely include mixed use development consisting of both commercial and residential uses. The General Plan also indicates an industrial designation for the area where the municipal landfill is located.

A specific or area master plan has not been prepared for the area included in the proposed annexation. Therefore, staff is proposing an A-5-H, Annexation Holding Zone designation for all of the annexation area, except for the parcels owned by Payson City which are proposed to be zoned PRZ, Planned Reclamation Zone. The A-5-H Zone would provide flexibility for the landowners in the annexation area to utilize their property, whether for agricultural purposes or development purposes in accordance with the provisions of the zone. Preparation of the required land use and infrastructure analyses would be required before additional development occurred on the property.

Annexation Agreement

Typically, annexation petitions in Payson City are accompanied by an annexation agreement which clarifies the responsibilities of the annexation sponsor(s) and the City in relation to the proposed annexation. Due to the size of the annexation and lack of specific development proposals, it is proposed that the annexation be processed without an accompanying annexation agreement. However, many of the development requirements often included in an annexation agreement are codified in the development ordinances of the City. Therefore, the requirements are not being eliminated and future applicants will need to satisfy the regulations at the appropriate time. However, it is important to inform the property owners that additional studies, installation of infrastructure, development approval, provision of adequate water, and other costs associated with future development will be the responsibility of the property owner.

Placing the complex details of annexation aside, the decision of the City Council is rather simple: will the proposed annexation benefit Payson City? Because annexation is such an important issue, the City Council may require additional information to make a well-informed decision. Because annexation is a purely legislative act, the requests for information need not be included in the development ordinances of the City. At the annexation stage, the members of the Planning Commission and City Council may request information about any reasonable issue and include conditions to address any reasonable concern.

Recommendation

The City Council will need to complete a review of the proposed Red Bridge Annexation and determine if enough information has been provided to make a well-informed decision. Although the Planning Commission was not required to hold a public hearing, the City Council must conduct a public hearing before a final decision is made regarding the proposed annexation. The public hearing has been properly noticed and courtesy notices have been mailed to the appropriate property owners.

On September 11, 2013, the Planning Commission recommended approval of the Red Bridge Annexation with the A-5-H, Annexation Holding Zone and to delay the preparation of an annexation agreement until the time of development finding the annexation will allow Payson City to protect the landfill and provide services to the city's growth areas.

Following the public hearing and deliberation, if the City Council chooses to approve the proposed annexation, the Council will need to designate the appropriate zoning district for the property and place any appropriate conditions to the approval. The City Council should include findings that indicate reasonable conclusions for the decision.

As a final note, staff has received a few requests for the Planning Commission and City Council to delay action on the proposed annexation until the feasibility study is completed for the proposed West Mountain incorporation. Some owners would like to review the feasibility study for the incorporation before a final decision is made on the proposed annexation. However, there are several property owners in the annexation that want to be part of the community regardless of the outcome of the incorporation.

Annexations are legislative matters and the City Council is not obligated to approve any petition for annexation, regardless of location, even if the property owners are prepared to comply with all provisions required for annexation. At any time during the annexation process, the City Council may deny the proposed annexation following written notice to the applicant. If the City Council takes action to deny a petition for annexation, there will be no appeal process. If a petition for annexation is denied by the City Council, the proponent of the annexation will be required to submit a new application and pay all associated fees in order to have the petition reviewed again by the Planning Commission, City Council and staff.

[Locator Map](#)

[Red Bridge Annexation Outline](#)

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[General Plan](#)

[Public Hearing Notice](#)