

**\*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

**Applicant:** Development Services

**Staff Coordinator:** Brandon Larsen

**ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is June 8, 2022, 6:00 P.M.*
2. **Deny** the requested ordinance text amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

**Relevant History:** The City Attorney's Office has become aware of changes to the Utah Code relative to annexations that should be reflected in the City Code.

**Neighborhood Issues:** This is a city-wide application; staff has not received feedback from any neighborhood chairs for this item.

**Summary of Key Issues:**

- Requirements related to annexations have been amended in the Utah Code.
- This proposal would specifically address the following annexation related issues: annexations that create or leave pockets, islands, peninsulas, or irregular boundaries.
- The language of the amendments have been provided by the City Attorney's Office and mirrors language in the Utah Code.

**Staff Recommendation:** Staff recommends that the Planning Commission forward a positive recommendation for the proposed text amendments to the City Council.

## **OVERVIEW**

Provo City Development Services is requesting an ordinance text amendment to Chapter 15.15 of the City Code to address annexations that create or leave pockets, islands, peninsulas, or irregular boundaries. The Utah Code has been updated to provide more flexibility for the aforementioned annexation issues. The proposed amendments mirror language in the Utah Code.

## **STAFF ANALYSIS**

Provo City Code Section 14.02.020(2) states that before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: **(responses in bold)**

(a) Public purpose for the amendment in question.

**The public purpose is to align the City's annexation requirements and allowances with those of the State of Utah.**

(b) Confirmation that the public purpose is best served by the amendment in question.

**The new definitions will provide greater flexibility with annexations.**

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

**The Annexation Policy Plan Guidelines of the General Plan aim to set the City up for future annexations that are manageable and orderly. This proposed amendment gives the City flexibility in annexations they have not previously enjoyed. The City will need to be judicious in using these additional allowances to promote the aim of orderly, manageable annexations. It may be wise to consider a future amendment to the General Plan to consider the allowances provided by this proposal.**

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

**The City will need to be judicious in using these additional allowances to promote the aim of orderly, manageable annexations, especially related to utilities.**

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

**The City will need to be judicious in using the additional allowances provided by this proposal to promote the aim of orderly, manageable annexations. It may be wise to**

**consider a future amendment to the General Plan to consider the allowances provided by this proposal.**

(f) Adverse impacts on adjacent land owners.

**Staff does not anticipate any adverse impacts to property owners by the result of the proposed amendment.**

(g) Verification of correctness in the original zoning or General Plan for the area in question.

**This standard does not apply to the proposed city-wide text amendment.**

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

**No conflict exists.**

## **CONCLUSIONS**

The proposal will offer the City flexibility in the annexation process, as well as align ourselves with the provisions of the Utah Code. Staff is supportive of the proposed amendments. Staff received no objections from the City departments that reviewed the proposal.

## **ATTACHMENTS**

1. Proposed Text Amendments

## ATTACHMENT 1 – PROPOSED TEXT AMENDMENTS

### 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~~ No pocket or islands of county jurisdiction shall be left or created and ~~that~~ peninsulas and irregular boundaries shall be minimized, unless 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 2022-02, passed January 18, 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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## **Public Works Staff Report Hearing Date: 5/25/2022**

PLOTA20220167 - Annexation Code Amendment

### **Item #2 Summary:**

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.

### **Staff Recommendation:**

Public Works staff has no concerns with the requested action.

Dave Decker, Public Works Director  
David Day, Development Engineering Coordinator