

***ITEM #1** Provo City Development Services requests approval of General Plan Text Amendments to Appendix C (Annexation Map and Policies) in order to update zoning standards for agricultural lands. Citywide Application. Aaron Ardmore (801) 852-6404
aardmore@provo.org PLGPA20230063

Applicant: Development Services

Staff Coordinator: Aaron Ardmore

Relevant History: The most recent version of the General Plan Annexation Map and Policies was adopted in early 2023. Staff identified a gap in land use assignment in that process and have brought forward an amendment to provide space for agricultural properties to continue that land use, when annexed into Provo City.

Neighborhood Issues: This is a citywide application, and all neighborhood districts were notified, but no issues have been reported to staff at the time of this report.

Summary of Key Issues:

- The proposal would allow lands historically used for agriculture to continue with that use when annexed, without a need for a subsequent zone change.
- Current annexation policy would require agricultural lands to be zoned with the OSPR (Open Space, Preservation and Recreation) zone.
- The proposal to allow these properties to annex as A1 (Agricultural) zones would apply to Area 5 and Area 6 of the Provo City Annexation Map and Policies (appendix C) of the General Plan.

Staff Recommendation: Staff recommends that the Planning Commission recommend approval of the proposed General Plan Amendment.

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 10, 2023 at 6:00 P.M.*

2. **Recommend Denial** of the requested General Plan Amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

OVERVIEW

Staff have reviewed the General Plan policies against some of the properties in areas five and six and have determined that the policies on land use for annexation need to be amended. There are agricultural lands in these annexation areas that would have to come in as Open Space zoning under the current policies. Adding language to allow agricultural properties to come in under agricultural zoning will simplify the process for annexation and ease the burden on these agricultural landowners. The language change would only apply to properties previously used for agriculture and that are intended to remain in agricultural production.

STAFF ANALYSIS

To help evaluate this proposal, staff will use criteria found in Subsection 14.020.020(2), Provo City Code. These standards establish criteria for amendments as follows: **(Staff response in bold type)**

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:

(a) Public purpose for the amendment in question.

Staff response: As stated above, the public purpose for these amendments is to simplify annexation for agricultural properties, being valued by Provo City.

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

Staff response: Staff has determined that the proposed amendments provide the best strategy for bringing in agricultural lands in areas 5 and 6 of the Annexation Map.

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

Staff response: This proposal is compatible with the specific goal to “simplify zoning and codes to be more user friendly” as stated in goal #3a, on page thirty-six of the General Plan.

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

Staff response: The language proposed to be amended has no relevance to any “timing and sequencing” provisions of the General Plan.

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

Staff response: Staff does not see any way that the proposed amendment could hinder or obstruct the policies of the General Plan.

(f) Adverse impacts on adjacent land owners.

Staff response: There are no adverse impacts related to this request.

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

Staff response: Staff has verified the correctness of the General Plan related to this request.

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

Staff response: This proposal amends the policies; the map would stay as it is.

CONCLUSIONS

Staff see this amendment as a simple change to ease the annexation of agricultural lands in the north and east of Provo City and recommend that the proposed language be approved.

ATTACHMENTS

1. Proposed General Plan Text Amendment
2. Appendix C (2023 Provo City General Plan Annexation Policy Map)

ATTACHMENT 1 – PROPOSED GENERAL PLAN TEXT AMENDMENT

Area Five

Area Five is bounded on the west and south by existing Provo City limits, and on the east by the Uinta National Forest boundary. Existing water pressure zones can serve this area to an elevation of approximately 4,876 feet. Area Five can be served by gravity wastewater systems, but main lines would have to be extended into the area from existing lines several thousand feet away. Development in sizeable portions of this area would be subject to the city's Hillside Development Standards, as well as the Critical Hillside Overlay (CH) Zone. The General Plan calls for residential development in a portion of this area; however, any property identified as Agriculture on the map should be included in the OSPR zone upon being annexed, **except for those that are intended to remain in agricultural use after annexation which may annex with agricultural zoning**. Any future development project requiring a rezone from the OSPR zone would be required to demonstrate a substantial benefit to the city and would be subject to the requirements of the Critical Hillside Overlay Zone.

Area Six

Area Six is bounded on the west, south, and north by the Provo City limits and on the east by Utah County. The area encompasses the Forest Service land east and north of Sherwood Hills and north of Little Rock Canyon. Even though this area contains steep slopes that would limit development, it would be annexed into Provo to preserve the hillsides from future mining uses. Upon annexation, properties in this area should be included in the OSPR zone, **however, properties to remain in agricultural production may annex with agricultural zoning**. Any future development project requiring a rezone from the OSPR zone would be required to demonstrate a substantial benefit to the city and would be subject to the requirements of the Critical Hillside Overlay Zone. Area Six should consist of property that is owned by government entities.

ATTACHMENT 2 – APPENDIX C (2023 PROVO CITY GENERAL PLAN ANNEXATION POLICY MAP)

