

Mapleton City Council Staff Report

Meeting Date: August 20, 2013

Applicant: David Meyers/Central Bank (Dave Scoville)
Location: Approximately 3050 S 800 W
Prepared by: Sean Conroy, Community Development Director
Public Hearing Item: No
Zone: N/A

REQUEST

Consideration of an Annexation Petition to annex approximately 41.47 acres of property in unincorporated Utah County located at approximately 3050 S 800 W into Mapleton City.

BACKGROUND AND PROJECT DESCRIPTION

On July 26, 2013 the City received an annexation petition for approximately 41.47 acres, consisting of two parcels located at approximately 3050 South and 800 West (see attachment "1"). The northern parcel is owned by the Meyer Family Limited Partnership and is approximately 21.3 acres in size. The southern parcel is owned by Central Bank, but is under contract with Dave Scoville, and is approximately 20.2 acres in size. Both property owners have signed the petition.

In addition to the annexation petition, the applicants are requesting to be zoned Residential-Minor Agricultural (RA-2). The property is currently undeveloped.

EVALUATION

Annexation Process: Below is a brief summary of the annexation process according to the Utah Municipal Code:

- 1) Submittal of an annexation petition with signatures from the owners of a majority of private real property (section 10-2-403).
- 2) City Council accepts or rejects the petition (must act at the next regular City Council meeting that is at least 14 days after receipt of the petition – section 10-2-405).
- 3) If accepted, within 30 days City reviews petition to determine if it meets the state code requirements. If rejected, the City informs the applicant within five days (section 10-2-405).
- 4) If the City determines that an accepted petition meets applicable standards, the petition is certified by the City Recorder. If it is determined that the petition does not meet applicable standards the petition is rejected (section 10-2-405).
- 5) If the petition is certified, a public notification process takes place (section 10-2-406).
- 6) A protest period occurs (section 10-2-407).
- 7) City Council holds a public hearing or hearings (10-2-407).
- 8) Council takes final action to grant the petition and by ordinance annex the area, or to deny the petition (10-2-407).
- 9) Within 30 days of adopting an ordinance annexing an area, the City provides the necessary documents to the lieutenant governor's office (10-2-425).
- 10) Upon approval from the lieutenant governor's office, City files appropriate documents with Utah County Recorder and the Department of Health and sends out notices to each affected entity (10-2-425).

The purpose of this agenda item is to comply with step #2. The Council must act to either accept or reject the petition at this meeting. Failure to take action will result in the petition being considered accepted.

Accepting the petition does not commit the City to annexing the property, it just allows the process to move forward. If the petition is accepted, staff will perform a more thorough review to determine whether the application complies with applicable state standards.

Annexation Policy: State law requires the City to adopt an annexation plan that includes a map of potential annexation properties and a statement of the criteria that will be used to guide annexation decisions. In accordance with state law, the City adopted an annexation policy in 2002. The policy identifies two primary annexation areas, Mapleton West and Mapleton South (see attachment “2”). The proposed annexation area is located in the Mapleton South area and is identified as a potential annexation candidate.

General Plan: The Land Use Element of the General Plan is designed as a guide to promote sound land use decisions. The Land Use Element includes a Land Use Designation Map that outlines the potential development potential of property throughout the City and within the annexation boundaries. The proposed annexation area has a general plan designation of Low Density Residential (approximately 1 unit per acre).

The City Council does not need to agree on a zoning designation(s) for the annexation area or potential densities at this time. These discussions can take place after the Council determines whether to accept the petition.

STAFF RECCOMENDATION

Accept the annexation petition.

ATTACHMENTS

1. Annexation Petition.
2. Annexation Policy Map.
3. General Plan Land Use Designation Map.

RECEIVED

JUL 29 2013

MAPLETON CITY

Hard copy received
email received
7/26/13 CB



Mapleton City
Annexation Application

For Office Use Only

Petition Filing Date: _____

Annexation Name: The Pointe at Maple Mountain

Fee: \$600 (up to 5 acres) \$25 per acre for the next 20 acres, \$14 per acre for the next 75 acres, and \$5 per acre for each additional acre thereafter.

Total Acreage: 41.47 Fee Paid: _____ Date Paid: _____

Receipt Number: _____

Name of Contact Sponsor: Dave Seville

Authorized Agent (if applicable): Dave Seville

Phone #: (801) 836-3118 Fax #: () _____ Address: _____

Name, Address and Phone Number of Licensed Engineer or Land Surveyor:

A.L.M. & Associates, Inc., 2230 North University Parkway 6-D, Provo, Utah 84604, (801) 376-6262

Mark S. Greenwood PE

Engineer of Land Surveyor's Signature: 

Date of Engineer's Signature: 7-11-2013

General Location of Proposed Annexation: 3050 South 800 West, Mapleton, Utah

What percent of the Private Real Property within the proposed Annexation is represented by the signatures of the Owners? 100%

What percent of the value of Private Real Property within the Annexation Plat is represented by the signatures of the Owners? 100%

Annexation Application Continued

Total number of acres included in Annexation: 41.47 Acres Zoning Requested: PRC - 6

Total number of parcels included in Annexation: 2

| Consisting of the following parcels Tax I.D. Numbers: | Acres: | Owner: |
|---|---------------|------------------------------------|
| <u>27:033:0202</u> | <u>21.254</u> | <u>Meyer Family Properties, LC</u> |
| <u>27:033:0201</u> | <u>20.216</u> | <u>Central Bank</u> |
| <u> </u> | <u> </u> | <u> </u> |
| <u> </u> | <u> </u> | <u> </u> |
| <u> </u> | <u> </u> | <u> </u> |

Other Approvals Sought, if any:

| Type of Approval | Date of Application | File Number | Date of Approval |
|------------------------|---------------------|-------------|------------------|
| General Plan Amendment | | | |
| Any Other Approvals | | | |

Application Submittal Requirements

All fees, an Annexation Petition, an Annexation Plat (mylar), and the Annexation Information Requirements listed below are required of all proposed annexations regardless of size. In addition to the following information, the applicant may be required to provide additional information if the staff, Plan Review Committee, Planning Commission, or City Council find the information to be necessary to evaluate the merits of the proposed annexation.

Petition:

This petition must include the signatures of the owners of a majority of the property included in the Annexation, representing at least 1/3 of the assessed property valuation according to the last County Assessment rolls. The petition must also designate up to five signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

Plat:

A Plat of the area proposed to be annexed drawn by a licensed engineer or land surveyor must also accompany this petition. Please identify on the Plat each parcel included in the Annexation and on each parcel label the owner's name, the Tax Identification Number, acreage, and the proposed Zoning. Five (5) copies that are twenty-four by thirty-six (24 x 36) inches.

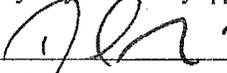
Annexation Information Requirements:

The petition and plat must be accompanied by the Annexation Information Requirements listed below, as required by Mapleton City.

- _____ A description of the area included in the proposal for Annexation, identifying the existing land use(s) including residential and nonresidential uses, and those proposed by the petitioners.
- _____ Current population of the area.
- _____ A statement of compliance with the Mapleton City General Plan, including goals, policies and land use, and how the proposed area, and the proposed land use(s) will contribute to the achievement of the goals and policies of the Mapleton City General Plan.
- _____ An analysis of the tax consequences to residents of the area proposed for annexation, as well as to the residents of Mapleton City and Utah County.
- _____ An identification of the demands for City provided facilities and services to the area proposed for annexation, at the existing and proposed land use(s), including potable water, irrigation water, street improvements, storm drainage, fire protection, police and ambulance protection, sewer facilities, parks and recreation, and garbage removal.
- _____ Water rights conveyance will be at the time of subdivision, building permit, or project approval.

Applicant Certification:

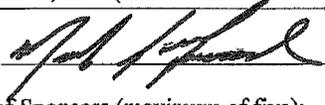
I certify under penalty of perjury that this application and all information submitted as a part of this application is true, complete and accurate to the best of my knowledge. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Mapleton City may rescind any approval, or take any other legal or appropriate action.

Signature: 
Title: Developer Date: 7/11/13

Petition for Annexation into Mapleton City, Utah County, State of Utah

Name of Plat Map: The Pointe at Maple Mountain

Engineer – Surveyor: A.L.M. & Associates, Inc. (Mark S. Greenwood PE)

Date of Engineer's Signature: 

List of Sponsors (maximum of five):

(printed name and address)

1. Dave Scoville 733 N Main Street Spanish Fork, UT
2. Dean Ingram 733 N Main Street Spanish Fork, UT
3. _____
4. _____
5. _____

Contact Sponsor (please print):

Name: Dave Scoville

Address: 733 N Main Street Spanish Fork, UT

Phone: 801.836.3778

Approximate acreage: 41.47 Acres, consisting of the following parcels (Tax ID Number):

Parcel Acres Owner (please print)

1. 27:033:0202; 21.254; Meyer Family Properties, LC
2. 27:033:0201; 20.216; Central Bank
3. _____; _____; _____
4. _____; _____; _____
5. _____; _____; _____
6. _____; _____; _____
7. _____; _____; _____
8. _____; _____; _____

(SEE REVERSE SIDE FOR SIGNATURES)

Petition
For

The Pointe at Maple Mountain
(Annexation Name)

We hereby certify that all of the undersigned together constitute the owners of a majority of said real property to be annexed and also are the owners of said real property to be annexed and also are the owners of more than one-third (1/3) in value of said property as shown by the last assessment rolls for taxes, and that said land is contiguous to the Corporate limits of Mapleton City. Please indicate which individual(s) is the sponsor/contact for this petition (up to 5 sponsors may be indicated). The requested zoning is _____. Total number of acres 41.47.

Name: Meyer Family Properties, LC Phone: 801-380-5694 Address: 415.921.3750
2629 Pacific Avenue
SAN FRANCISCO, CA 94115

Tax I.D./Parcel # (s): 27:0033:0202

Sharon Leann Meyer, Manager
Signature

Subscribe and sworn to me this 12 day of July, 2013

Ed Allendorf
Notary Signature

Residing in San Francisco County San Francisco State California

My commission expires: July 17, 2015

Name: Central Bank Phone: 801-369-2128 Address: _____

Tax I.D./Parcel # (s): 27:033:0201

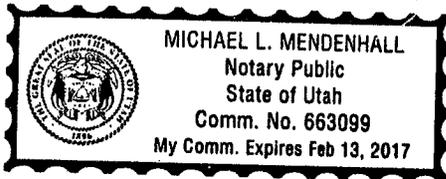
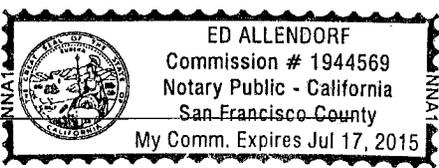
Stanley F. Jenkins
Signature
ORE OFFICER
CENTRAL BANK

Subscribe and sworn to me this 23 day of JULY, 2013

[Signature]
Notary Signature

Residing in SPANISH Fork County UTAH State UTAH

My commission expires: 2-13-17



Petition Signatures Continued

Name: N/A Phone: _____ Address: _____

Tax I.D./Parcel # (s): _____

Signature

Subscribe and sworn to me this _____ day of _____, 20____

Notary Signature

Residing in _____ County _____ State _____

My commission expires: _____

Name: N/A Phone: _____ Address: _____

Tax I.D./Parcel # (s): _____

Signature

Subscribe and sworn to me this _____ day of _____, 20____

Notary Signature

Residing in _____ County _____ State _____

My commission expires: _____

Name: N/A Phone: _____ Address: _____

Tax I.D./Parcel # (s): _____

Signature

Subscribe and sworn to me this _____ day of _____, 20____

Notary Signature

Residing in _____ County _____ State _____

My commission expires: _____

Each owner and signer for himself says: I have personally signed this petition; I am an owner of a portion of the property above mentioned and located at or near Mapleton, Utah County, State of Utah, and my Post Office address is correctly written after my name.

MAPLETON CITY ANNEXATION POLICIES AND PROCEDURES

(This checklist is intended for information purposes only. For a complete list of requirements, see Utah State Code, Mapleton City Development Code and the Mapleton City General Plan.)

GENERAL ANNEXATION REQUIREMENTS:

6. The area must be contiguous to Mapleton City.
7. The area must be a contiguous area.
8. The area proposed for annexation will not leave or create an unincorporated island or peninsula.
9. The petition may not propose the annexation of all or part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted.

ANNEXATION PROCEDURES:

6. To initiate an annexation, the following must be filed in the office of the City Recorder:
 - a) Twenty (20) paper copies of an accurate annexation plat (Nineteen – 24" x 36", One – 11" x 17") prepared and signed by a licensed surveyor. Please identify on the plat each parcel included in the annexation and on each parcel label the owners name, the Tax Identification Number, acreage and proposed zoning (One 24" x 36" Mylar copy recording must be submitted prior to the final Public Hearing before City Council).
 - b) An annexation petition and application signed by the owners of private real property, which covers a majority of the private real property within the area proposed for annexation. Up to five (5) signers of the petition may be designated as sponsors, one of whom shall be designated as the contact sponsor, with mailing addresses of each included.
 - c) A receipt for Annexation fees.
 - d) A list of all parcels included on the annexation plat with Tax Identification numbers, acreage, names and addresses of all owners and land values as shown on the last county assessment poll.
 - e) A current Utah County Plat with the subjected area highlighted.
 - f) Such additional data and information as required by Mapleton City.
2. On the date of filing, the contact sponsor shall also deliver or mail five (5) copies of the petition and plat to the Utah County Clerk and furnish a declaration of such action to the City Recorder.
3. The City Recorder will forward a copy of the complete submitted packet to the Planning Department and the City Planning staff will schedule the annexation request on the next available P.R.C. Agenda.
4. The P. C. will review the application and prepare an annexation report for the Planning Commission who will make recommendations to the City Council.
 - a) If it is determined by the P.R.C. that the annexation will require a General Plan amendment, all provisions of the Utah State Code and Mapleton City Development Code relating to General Plan amendments must be followed. (General Plan amendments and annexation requests may be considered concurrently.)
 - b) The request will then be scheduled on the next available Planning Commission Agenda who shall consider the P.R.C. recommendations and testimony of petitioner(s) and other interested parties, and make a recommendation on the annexation, suggested zoning, and/or General Plan amendments to the City Council.
 - c) The annexation request will then be scheduled on the next available City Council Agenda for acceptance or denial of the petition and plat. The P.R.C. report and Planning Commission recommendations will be forwarded to City Council.

MAPLETON CITY ANNEXATION POLICIES AND PROCEDURES

5. **At the next available City Council meeting, the City Council may either:**
 - a) Deny the petition and mail a Notice of Denial within five (5) days to the contact sponsor and Utah County Clerk; or
 - b) Accept the petition and discuss the terms of an annexation agreement. (Terms and conditions of the annexation agreement will be finalized, if possible, prior to the final meeting/public hearing before the City Council.)
6. **Immediately following the acceptance of the petition, the City Recorder shall, verbally and in writing, notify the City Council and Contact Sponsor of either the certification or rejection of the petition. (A petition that is rejected may be revised and filed as a new request.)**
7. **After receipt of the notice of certification from the City Recorder, the City Council shall publish a notice at least once a week for three successive weeks, beginning no later than ten (10) days after receipt of the Notice of Certification in a newspaper of general circulation within the City. Within twenty (20) days of receipt of the Notice of Certification the City Recorder will mail written notice to:**
 - a) Board of County Commissioners,
 - b) Board of each special district, whose boundaries include part of all of the area proposed for annexation,
 - c) City Council of each municipality whose boundaries are within ½ mile of the area proposed for annexation,
 - d) Each school district whose boundaries include part of all of the area.
8. **A public hearing (14 day notice) will be scheduled with the Planning Commission for review and recommendation of the annexation proposal including the zoning designation.**
9. **If no timely protest is filed, the City Council may, by Ordinance, annex the area following a Public Hearing which has been properly noticed in a newspaper of general circulation within the city at least seven (7) days prior to the City Council Meeting.**
10. **An annexation agreement must be signed and applicable requirements met prior to plat recording and Ordinance publication.**
11. **If a protest is filed, the City Council must wait for the decision of the Boundary Commission. After receipt of the decision, the City Council may:**
 - a) Deny the annexation petition; or
 - b) If the Commission approves the annexation, grant the annexation petition and, by Ordinance and consistent with the commission's decision, annex the area under the terms of the annexation agreement.

PROTESTS TO AN ANNEXATION PETITION:

- 1. A protest to an annexation petition may be filed by:**
 - a) The Board of County Commissioner of the County in which the area proposed for annexation is located;
 - b) The Board of Special District whose boundaries include part of all of the area proposed for annexation;
 - c) The City Council of a city whose boundaries are within ½ mile of the area proposed for annexation; or
 - d) The owners of private real property that:
 - i) is located in the unincorporated area within ½ mile of the area proposed for annexation;
 - ii) covers at least 25% of the private land area located in the unincorporated area within ½ mile of the area proposed for annexation; and
 - iii) is equal in value to at least 15% of all real property located in the unincorporated area within ½ mile of the area proposed for annexation.
- 2. Protests are filed with the Boundary Commission with a copy being delivered or mailed on the same date to the City Recorder.**
 - a) Protests must be filed no later than 60 days after the City Council's receipt of the notice of certification, or
 - b) If the area is undeveloped and covers an area that is equivalent to less than 5% of the total land mass of all private real property within the city, protests must be filed within 40 days of receipt of Notice of Certification.
- 3. If the Boundary Commission receives a protest on property that is developed or covers an area that is equivalent to more than 5% of the total land mass of all private real property within the City, the Commission must choose and engage a feasibility consultant within 45 days. The consultant will have 75 days to complete the feasibility study. (Requirements are found in Section 10-2-413 of the Utah Code).**
- 4. In most instances the feasibility consultant fees and expenses will be shared equally by those petitioning for annexation and each entity or group that files a protest.**

Annexation Information Requirements:

The petition and plat must be accompanied by the Annexation Information Requirements listed below, as required by Mapleton City.

_____ A description of the area included in the proposal for Annexation, identifying the existing land use(s) including residential and nonresidential uses, and those proposed by the petitioners.

The area proposed for annexation includes two parcels, both of which are approximately 20 acres in size. The parcels are not developed and have been used primarily to grow hay in the past. The parcel proposed for development has not been used for recreational or agricultural use. The proposed zone designation is Residential-Minor Agricultural zone (RA-2 zone) which includes the base density of 63 home sites.

_____ Current population of the area.

0, the area is not yet developed.

_____ A statement of compliance with the Mapleton City General Plan, including goals, policies and land use, and how the proposed area, and the proposed land use(s) will contribute to the achievement of the goals and policies of the Mapleton City General Plan.

The area is identified in the City's annexation policy as part of the annexation policy declaration boundary. The General Plan encourages maintaining a distinctive rural character. The proposed development plan includes a mix of lot sizes ranging from 1/3 acre to 1 acre and will be consistent with character of the surrounding area. Public improvements will be installed in a manner consistent with the City's Transportation Master Plan and adopted ordinances.

_____ An analysis of the tax consequences to residents of the area proposed for annexation, as well as to the residents of Mapleton City and Utah County.

No taxes consequences will occur to existing residents of the area as there are none. The area will become part of Mapleton City and the City will received property taxes in accordance with the established property tax rate. The City will also receive impact fees as development occurs in accordance with the adopted impact fee schedule.

An identification of the demands for City provided facilities and services to the area proposed for annexation, at the existing and proposed land use(s), including potable water, irrigation water, street improvements, storm drainage, fire protection, police and ambulance protection, sewer facilities, parks and recreation, and garbage removal.

The developer will be required to install the needed infrastructure improvements (roads, culinary water secondary water, sewer, etc.) to service the development. According to the 2010 Census, the average household size in Mapleton is 3.9. The proposed concept plan contemplates a maximum of 70 units, or 273 people. Through the payment of impact fees, the project will ensure that adequate public services will be provided.

Water rights conveyance will be at the time of subdivision, building permit, or project approval.

Water shares will be dedicated to the City at the time of plat recording in accordance with adopted city standards.



**Annexation
Area**

1600 WEST

1200 WEST

800 WEST

LOOKOUT RIDGE DR

2600 SOUTH

2625 SOUTH

BRUSH CANYON

OVERLOOK RIDGE DR

2800 SOUTH

2925 SOUTH

**Annexation
Area**

450 WEST

3050 SOUTH

455 WEST

2400 EAST

2800 EAST

7200 SOUTH

US 696 TRACT

Attachment "3"

General Plan Land Use Designations

