PLANNING COMMISSION STAFF REPORT

BNA Realty - Jordan River State Park Annexation

Petition 400-08-03 - Annexation of 330-acre area located between 1700 North and 2400 North and between Redwood Road/Jordan River and 2700 West.



Planning and Zoning Division Department of Community Development

July 9, 2008

Applicant: BNA Realty

Staff: Everett Joyce at 535-7930 or email at everett.joyce@slcgov.com

Tax ID: Multiple Parcels

<u>Current Zone</u>: Salt Lake County zoning, Agriculture AG-2.

Master Plan Designation: The Northpoint Small Area Plan and the Rose Park Small Area Plan designate Future Land Use for the subject annexation area. Future land uses consist of Business Park, Agricultural, Open Space and Low Density Residential.

Council District: District 1 Carlton Christensen

Acreage: 333.69 acres

<u>Current Use:</u> Vacant, residential, agricultural and open space land uses

Applicable Land Use Regulations: 21A,50.050 Standards for general amendments.

21A.34 Airport Flight Path Protection and Riparian Corridor Overlay Districts.

Attachments:

- A. Recommended Zoning
- B. Northpoint Future Land Use Map
- C. Rose Park Future Land Use Map
- D. Department Comments
- E. Annexation Plat

REQUEST

A request by BNA Realty for approval of annexation with related zoning of approximately 330 acres of land within the area located between 1700 North and 2400 North and between Redwood Road/Jordan River and 2700 West.

The applicant is specifically requesting annexation of approximately 56 acres of land north of 2100 North and between 2200 West and Interstate 215 for business park development. In order to meet State annexation criteria and to include the Jordan River State Park property, the annexation plat includes a total of approximately 330 acres as shown on the annexation plat in Attachment E. The subject annexation property is located in unincorporated Salt Lake County. The area is contiguous to the boundaries of the Northwest Planning Community.

Annexation and zoning designations require the Planning Commission to forward a recommendation to the City Council for final decision.

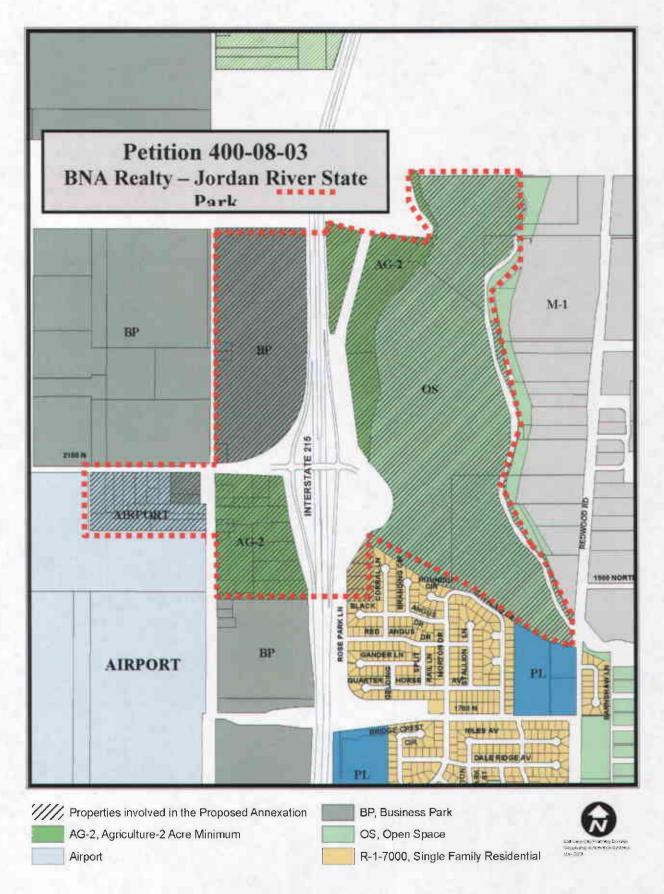
PUBLIC NOTICE

On June 25, 2008, a notice for the Planning Commission public hearing was mailed to owners of property within a radius of 450 feet as well as to community council chairs meeting the minimum 14 day notification requirement. In addition, notice was sent to all individuals on the Planning Division's list serve. On June 28, 2008, a notice of the Planning Commission public hearing was advertised in the Salt Lake Tribune and Deseret Morning newspapers. The agenda was also posted on the Planning Division's website. Notice of the intent to annex the subject property was sent to affected taxing entities with the acceptance of Resolution 23 of 2008 by the City Council accepting the annexation petition for review on May 6, 2008.

STAFF RECOMMENDATION:

Petition 400-08-03 Annexation

Based on the analysis and findings in the staff report, staff recommends that the Planning Commission forward a favorable recommendation to the City Council to annex property located generally within the boundaries of 1700 North and 2400 North and between Redwood Road/Jordan River and 2700 West. It is also recommended to zone the subject annexation parcels consistent with the Northpoint and Rose Park Small Area Plans. Specific zoning recommendations are shown on page 10 of the staff report and on Attachment "A" Recommended Zoning.



VICINITY MAP

Comments

Public Comments: The annexation proposal and related zoning recommendations were presented to a joint meeting of the WestPoint and Rose Park Community Councils on June 18, 2008. The community councils' attendees (approximately 14) voted unanimously in support of the annexation.

City Department Comments: The pertinent City Departments and Divisions have reviewed the proposed project. Department comments are included in Attachment D.

Staff Analysis and Findings

OVERVIEW

The proposed annexation is isolated from the areas of Salt Lake County that receive municipal type services. Salt Lake City is the logical municipal entity to provide services to this area. Salt Lake City declared its intent to annex the subject area with the adoption of a Master Annexation Declaration Policy in 1979. This document identified areas within Salt Lake County that Salt Lake City would consider annexation and the provision of City services. The subject annexation area is part of a peninsula of unincorporated land contiguous to the existing Salt Lake City corporate boundaries to the west, south and east.

State code requires that a petition for annexation represent a majority of private property owners and one-third the assessed value of lands within the proposed annexation area. The annexation area must also be contiguous to the annexing entity's boundaries. The petition request has been reviewed and certified as to meeting the State annexation requirements of Section 10.2.418.

ANNEXATION IMPACTS

Population

The estimated population for the subject annexation area is 30 persons within the 330-acre area. The annexation area population comprises 0.01 percent of the unincorporated county and would comprise 0.02 percent of Salt Lake City. The size and population density of the BNA Realty-Jordan River State Park annexation poses no constraints to annexation.

Boundaries eliminate or create unincorporated island or peninsula

The annexation boundaries are fairly logical with no major irregularities in boundary lines. No service delivery problems have been identified due to the proposed boundaries. The annexation boundary does not create an island or peninsula of unincorporated areas.

Impact on special districts

Special districts for sewer, water and mosquito abatement will not be affected by the annexation. Other municipal services currently provided by Salt Lake County (sheriff, roads, planning, library, etc.) would be provided by Salt Lake City if annexation occurs. Fire services are provided by Salt Lake City through an inter-local agreement due to the isolation of the area from Salt Lake County facilities. Minimal services exist within this area and would need to be

provided through a combination of development provided services such as utility and street infrastructure as development occurs and expansion of Police and Fire services into the area.

Impact on property taxes

There are ten residential properties within the annexation area. The median adjusted tax value is \$82,700.00. Based on the 2007 property tax rates an annual increase of \$130.00 per year or \$10.83 per month would result from annexation into Salt Lake City.

Several of the properties within the area have a Greenbelt status with respect to Salt Lake County assessment land values. Properties within greenbelt status that are developed into other uses would need to consider tax impacts from removing properties from the Greenbelt tax valuation discount.

Excluding tax exempt properties, other properties that are nonresidential and without greenbelt status would see the most significant increase in property taxes due to annexing into Salt Lake City. The property tax rate would increase from 0.010296 to 0.011873, a 15.3 percent increase in property taxes per year.

Impact on taxing entities

The annexation area is currently taxed for municipal services from Salt Lake County. Future municipal services would be provided by Salt Lake City. The Salt Lake Mosquito Abatement District would provide abatement services to this area. School District boundaries are not modified due to annexation activity. Adjustment to the school district boundaries would have to be accomplished through a mutual agreement and amendment to school district boundaries by the Salt Lake City School District and the Granite School District. Children within this unincorporated presently attend Salt Lake City schools.

CITY COUNCIL POLICY AND MASTER PLAN AMENDMENT

In reviewing this application the Planning Commission should factor in the following City Council declarations and master plan policy.

City's Declaration of Intent to Annex

In 2000, the Salt Lake City Council adopted Resolution No.34, which reaffirms the City's 1979 declaration of intent to annex portions of unincorporated Salt Lake County. Annexation of this area was again supported in the adoption of the Northpoint Small Area Plan (April 11, 2000) and the Rose Park Small Area Plan (September 20, 2001).

Salt Lake City Council Growth Policy

It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria: a) is aesthetically pleasing; b) contributes to a livable community environment; c) yields no negative net fiscal impact unless an overriding public purpose is served; and d) forestalls negative impacts associated with inactivity.

Northwest Community Master Plan Amendment

The land use designation policies for this area are established in the Northpoint and Rose Park Small Area Plans. Annexing the subject area with the recommended zoning designations is consistent with the Northpoint and Rose Park Small Area Plans. The master plan amendment consists of expanding the community boundary to include the BNA Realty – Jordan River State Park Annexation property within the boundaries of the Northwest Community Planning area.

<u>Analysis</u>: Incorporating the BNA Realty – Jordan River State Park Annexation property within the Northwest planning community is a logical extension of the planning community boundary. Annexation of the subject area is a consistent policy within the Northwest Community Master Plan – Jordan River/Airport Master Plan, the Northpoint Small Area Plan and the Rose Park Small Area Plan.

The annexation and recommended development patterns for the subject property are identified in the future land use designations of City policy plans. The adopted land use policy provides a balanced land use and growth pattern that protects the Salt Lake International Airport, supports aerospace and commercial land uses, supporting rural residential uses and preserves open space that protects the Jordan River environment.

State Law does not have specific criteria relating to the amendment of a master plan. It does however, have specific noticing requirements. State Law, Section 10-9a-204, Notice of Public Hearings and Public Meetings to Consider General Plan or Modifications, outlines the criteria for amending a master plan relating to the noticing requirements. A notice for the Master Plan amendment was published in the Salt Lake Tribune and Deseret News on June 28, 2008 (Exhibit C Newspaper Notice). A notice was also mailed to affected property owners and posted, meeting State Law requirements for annexations.

<u>Findings</u>: The annexation and master plan amendment to expand the community boundary meets the Salt Lake City Council Growth Policy criteria of contributing to a livable community environment and forestalling negative impacts associated with inactivity. The annexation of the subject property into the boundaries of the Northwest Community is a logical extension of the community boundaries and was anticipated through the City's annexation declaration and the Northpoint and Rose Park Small Area Plans. The requirements for general plan amendment have been met.

ZONING AMENDMENT CODE CRITERIA / DISCUSSION / FINDING OF FACT

Standards for general amendments.

A decision to amend the text of the zoning ordinance or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors:

Section 21A.50.050 Standards for General Amendments.

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Analysis: The subject property is within West Airport area of the City's Master Annexation Declaration Policy for annexation into Salt Lake City. The subject annexation area is specifically addressed within the Northpoint Small Area Master Plan and the Rose Park Small Area Master Plan. Both plans are elements of the Northwest Community Master Plan. The two area plans depict Future Land Use Designations for the unincorporated area when and if annexed into Salt Lake City corporate limits. The Future Land Use Maps of these plans classify the subject properties as industrial, agricultural, residential and open space.

The zoning designation of the proposed annexation area is subject to the criteria of Salt Lake City Code, Chapter 21A.50, Amendments. The following policy document sources were considered in evaluating this request:

- The Rose Park Small Area Plan (2001)
- The Northpoint Small Area Plan (2000)
- The Northwest Jordan River / Airport Community Master Plan (1992)
- The Salt Lake City Master Annexation Declaration Policy (1979)

The BNA Realty – Jordan River State Park annexation area lies within two different small area plans adopted by the City. Land use policy for the western portion of the annexation area, west of Interstate 215, is addressed in the Northpoint Small Area Plan. Land use policy for the eastern portion of the annexation area, east of Interstate 215, is addressed in the Rose Park Small Area Plan.

Northpoint Small Area Plan

The Northpoint Small Area Plan was adopted on April 11, 2000. The purpose of the Northpoint Small Area Plan is to eliminate potential land use conflicts with Salt Lake International Airport while preserving and enhancing the existing agricultural lifestyle. This master plan policy document addresses the western portion of the proposed annexation area. The Future Land Map for the Northpoint Small Area Plan is shown on Attachment B.

The future land use map identifies most of the vacant land in the Northpoint area as business park development. It also identifies preserving and enhancing agricultural land uses established along 2200 West north of approximately 2600 North.

Permitting the development of Business Park uses on land adjacent to the Salt Lake City International Airport protects the Airport from incompatible land uses and allows for the development of land uses which are dependent on the proximity to the Airport or Interstate interchange. Business Park development will be required to provide necessary infrastructure improvements such as roads, water and sewer to serve the new development area.

Under the future land use policy of the Northpoint Plan approximately 442 acres of existing agriculturally zoned land is recommended for Business Park or Airport zoning. The future development pattern of Northpoint will consist of approximately 63 percent business park or airport uses and 37 percent agricultural uses.

Zoning and annexation are the two main strategies for implementing the North Point Small Area Plan. Annexation into the City will ensure that the regulations and development for all properties in the Northpoint area are consistent.

Rose Park Small Area Plan

The Rose Park Small Area Plan was adopted on September 20, 2001. The Rose Park Small Area Plan addresses the unincorporated area located between Interstate 215 and the Jordan River. The plan provides annexation and future land use policy. The Future Land Use Map of the Rose Park Small Area Plan is shown on Attachment C.

In the Northern study area of the small area plan, approximately 80% of the land (980 acres) is within the corporate limits of Salt Lake City. Approximately 250 acres of property are in the unincorporated limits of Salt Lake County. A majority of this unincorporated land (163 acres) is part of the State's Jordan River Parkway. The remaining property in the County is currently used for agricultural land uses or is vacant. The majority of privately owned land in the County is currently zoned Agricultural-2 although the Hunter Stable area is currently zoned Agricultural-5. The County's existing agricultural zoning regulations are different than the City's and allow for more intensive agricultural uses. Salt Lake City supports the annexation of these unincorporated areas. Annexation in this area can be accomplished by requiring annexation prior to providing public services.

Policy stated in the plan is to support annexation of properties currently in the jurisdictional boundaries of Salt Lake County into Salt Lake City. The plan indicates that properties annexed into the City should be zoned for either agricultural or open space land uses to be compatible with the State recreational and open space land uses between Redwood Road and Interstate-215.

Findings: City annexation policy identifies the property for annexation into the City. Incorporating the area into the Northwest Planning Community is a logical extension of the planning community's boundary. In reviewing the goals of the Small Area Plans, it is evident that the goals of the Master Plans are coming to fruition through the annexation and zoning of the subject annexation area. Annexing and zoning the subject properties will result in an encompassing recognition of the Master Plan goals by providing zoning designations consistent with the Northpoint and Rose Park Small Area Plans' future land use designations. The requested annexation and related recommended zoning are appropriate for this location, are consistent with the City's general plan and would implement the goals of the Plans and Reports discussed above.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Analysis: Adjacent properties to the proposed annexation are Airport related uses, single family dwellings, agricultural uses, recreational uses and vacant land.

The area is addressed in two separate small area master plans, the Northpoint and Rose Park Small Area Plans. The future land use designations of the two small area plans identify future development patterns that were established to reflect harmony with existing uses and activities as well as future development patterns.

Findings: Overall, the proposed zoning is consistent and is harmonious with the character of existing development in the vicinity.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Analysis: In the Northpoint planning area agricultural/residential uses would be adjacent to business park uses. This issue was addressed in the planning process for the Northpoint Small Area Plan. Specific regulations were included in the Business Park Zoning District to address mitigation of impacts from business park uses on single family uses in adjacent Agricultural zones.

An existing cluster residential uses in the Northpoint area, west of Interstate 215, would be adjacent to business park and across the street from Airport zoning. This area consists of numerous smaller lots, even though designated in the Northpoint Plan, it is recommended for preserving the Agricultural zoning classification until existing land uses are acquired for development consistent with the small area plan.

In the Rose Park planning area there are four lots, one with residential use, identified for Single family zoning. The area is adjacent to existing single family uses and zoning and adjacent to proposed Open Space zoning.

Findings: Staff finds that the proposed annexation will not have an adverse affect on adjacent properties, as it will allow for development patterns consistent with surrounding properties and land uses and consistent with the small area plans.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.

Analysis: The proposed annexation property is adjacent to the Salt Lake Airport and the Jordan River. Based on the environmental characteristics of the surrounding area, several overlay zoning districts are applicable and should be applied where appropriate within the proposed annexation area.

21A.34.040 AFPP Airport Flight Path Protection Overlay District.

All properties within the proposed annexation area are affected by the Airport's influence zones. The Airport Land Use Policy Plan requires that developers and landowners in the

airport influence areas provide avigation easements as a condition of development. The purpose of the avigation easement is to preserve the utility of the airport. New development on properties within the Airport influence zones would need to be constructed with appropriate mitigation requirements of these influence zones.

Section 21A.34.040 Airport Influence Zones. Airport influence zones, as reflected on Figure 3-1 of the airport's land use policy plan, which boundaries shall be reflected in the zoning map, are established as follows:

- a. Airport Influence Zone "A" is that area exposed to very high levels of aircraft noise, and having specific height restrictions.
- b. Airport Influence Zone "B" is that area exposed to high levels of aircraft noise, and having specific height restrictions.
- c. Airport Influence Zone "C" is that area exposed to moderate levels of aircraft noise, and having specific height restrictions.
- d. Airport Influence Zone "H" is that area having specific height restrictions.

<u>Riparian Corridor</u>. The Jordan River should be mapped with the Riparian Corridor Overlay District. This overlay district provides protection through transitional buffers along stream corridors and wetlands. The Riparian Corridor Overlay requirements apply only to the annexation properties contiguous to the Jordan River and those containing wetlands.

Odor Easement. The City's sewer treatment facility is located east of the subject annexation area. Although there is no overlay district related to the sewer treatment facility, development in this area should be cognitive of the potential odors related to proximity to the sewer facility. The Salt Lake City Public Utilities Department has identified that an odor easement for the Salt Lake City sewage treatment facility should be provided as part of annexation and development of this property.

Findings: As properties are subdivided and/or developed, as part of the process to obtain utility connections and public way permits, the City will require the provision of avigation and odor easements to Salt Lake City. Applicable zoning overlay districts will be extended to the proposed annexation area as part of the approval of this petition. The proposed zoning classifications are consistent with the provisions of applicable overlay zoning districts.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Analysis: The Public Utilities Department identified that they can provide water, sanitary sewer and storm water service to this property. However, as a result of the annexation process it is expected that sewer and water demand and degree of expansion necessary to fully support the area will increase. Conceptual master plans for the provision of sewer, water and storm drain needs must be identified, submitted and approved before the

Public Utilities Department will grant final approval for development within the annexation area. In addition to the sewer and water, the storm drain system must be evaluated and any improvements necessary to support the property within the annexation area. The concept plans must identify the major conveyance systems improvements and resolve any major conflicts that may prevent the implementation of the final master plan. Further development of the conceptual master plans will be necessary before any development will be allowed.

If any developer wishes to develop the property faster than Public Utilities can provide service then they will be required to make the improvements necessary as identified in the master plan for the sewer, water and storm drain systems along the property.

The existing area does not have adequate street and right of way improvements. As property develops within the annexation area, the dedication of street right-of ways and construction of public streets will be required.

Findings: The project is located in an area that needs development of infrastructure and public services. Staff finds that public facilities and services in the area, in general, will be provided as development of annexed properties occur. However, concept service plans should be developed for the proposed annexation area. Future development proposals that occur prior to development of infrastructure plans must make necessary improvements, even off-site improvements if determined necessary, and meet all City requirements prior to the issuance of any subdivision and/or building permit approvals.

RECOMMENDED ZONING

Based on the petition request and analysis of the Northpoint and Rose Park Small Area Plans the staff recommends the following zoning actions for the proposed annexation area. The recommended zoning is shown in Attachment A.

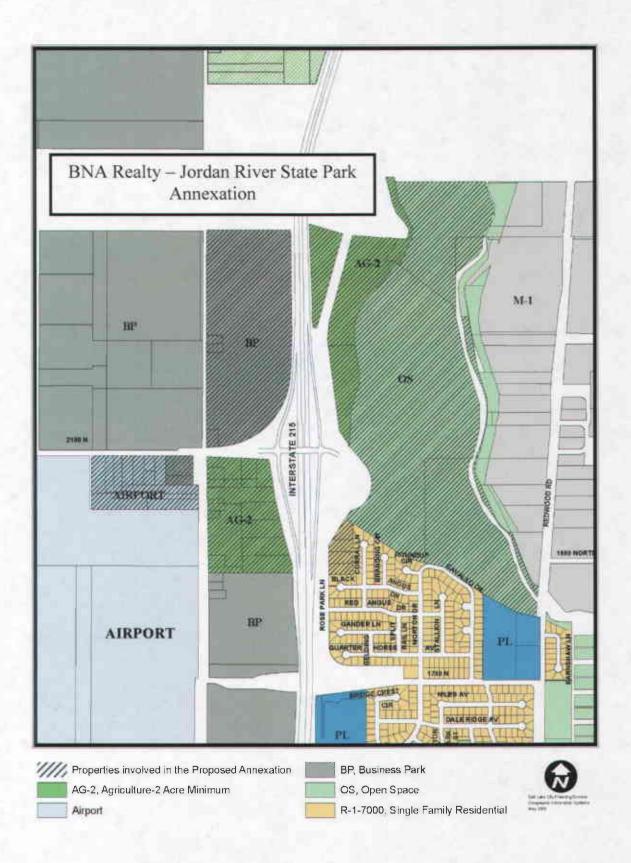
Northpoint Plan Area

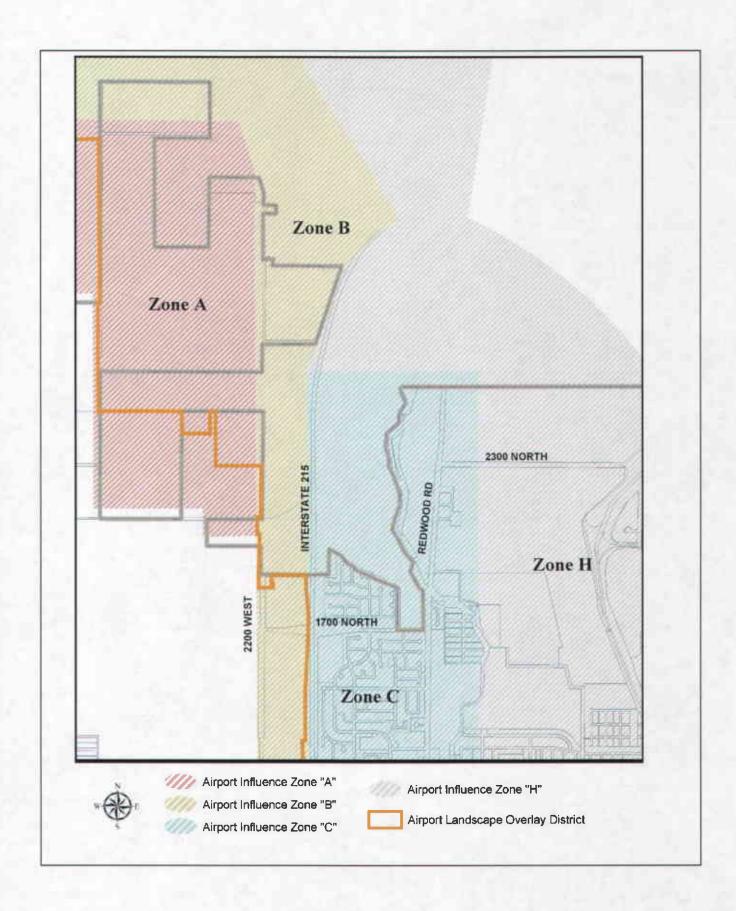
- 1. That Salt Lake City owned land west of 2200 West Street be zoned A Airport.
- 2. That private property west of 2200 West Street be zoned BP Business Park.
- 3. That private property north of 2100 North Street and west of Interstate 215 be zoned the BP Business Park.
- 4. That private property south of 2100 North Street and west of Interstate 215 be zoned AG-2 Agricultural.

Rose Park Plan Area

- 1. That private property east of Interstate 215 be zoned AG-2 Agricultural.
- 2. That public property located between Rose Park Lane and the Jordan River be zoned OS Open Space.

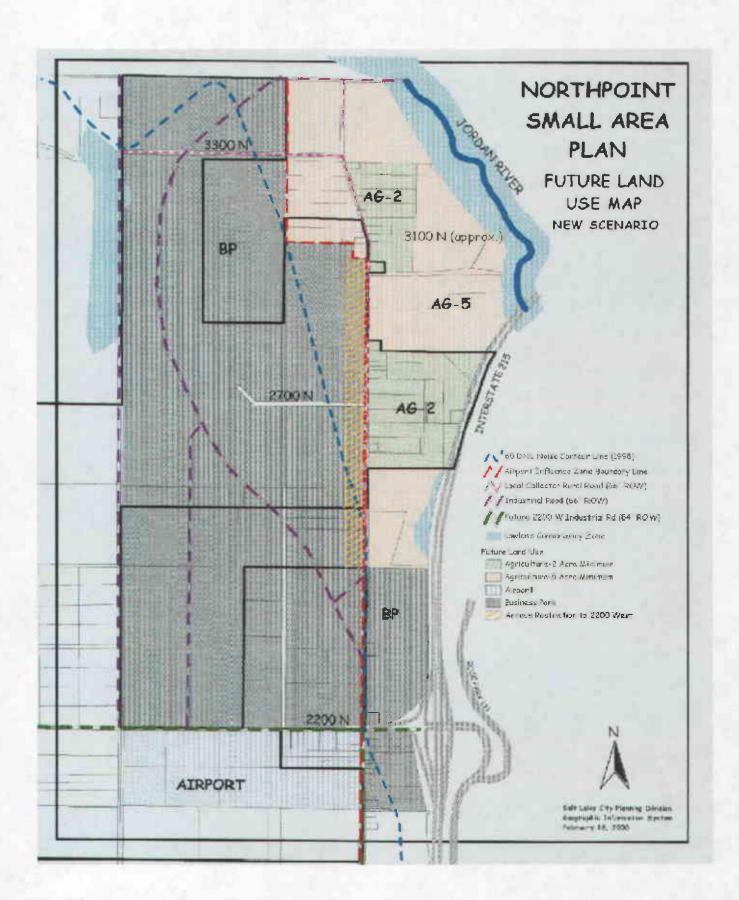
Attachment A
Recommended Zoning



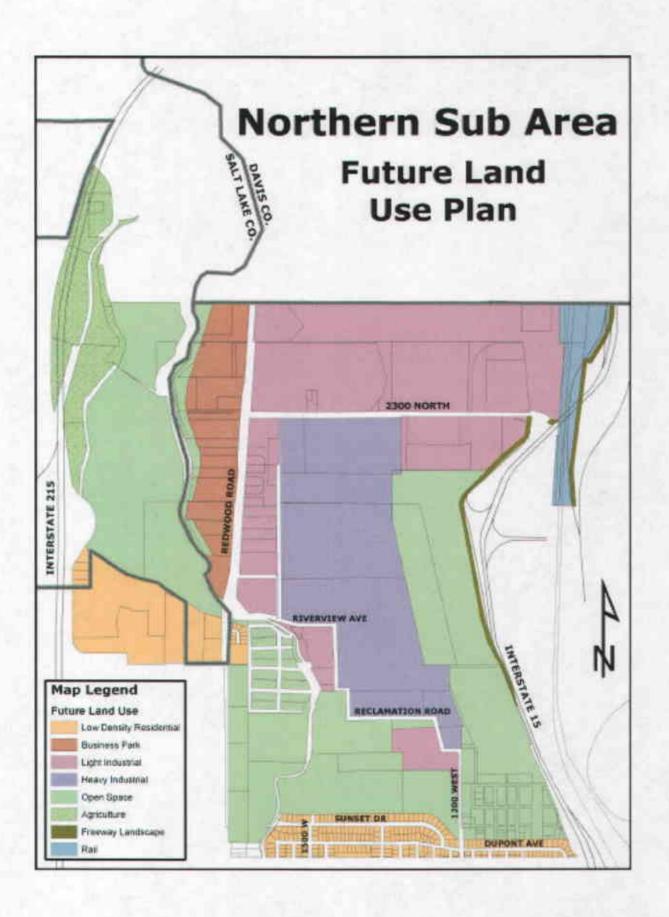


Airport Influence Zones

Attachment B
Northpoint Small Area Plan
Future Land Use Map



Attachment C
Rose Park Small Area Plan
Future Land Use Map



Attachment D

Department Comments

TRANSPORTATION

From: Walsh, Barry

Sent: Thursday, May 29, 2008 5:13 PM

To: Joyce, Everett

Cc: Young, Kevin; Smith, Craig; Itchon, Edward; Garcia, Peggy; Butcher, Larry

Subject: Pet 400-08-03 Annex

Categories: Program/Policy

May 29, 2008

Everett Joyce, Planning

Re: Petition 400-08-03, Annexation petition by BNA Realty located between 1700 North and 2400 North from Redwood/Jordan River to 2700 West area, 300 Acres.

The division of transportation review comments and recommendations are as follows:

We recommend approval subject to development for this area to be in compliance with the city master plan concept for transportation corridors in that each property development will dedicate and develop roadways as needed to service the individual properties and the community as a whole.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Ted Itchon, Fire
Peggy Garcia, Public Utilities
Larry Butcher, Permits
File

PUBLIC UTILITIES

From: Brown, Jason

Sent: Tuesday, July 01, 2008 11:21 AM

To: Joyce, Everett Cc: Garcia, Peggy

Subject: Petition 400-08-03 Annexation petition by BNA Realty

Importance: High

Categories: Program/Policy

Everett.

Public Utilities has reviewed the above mentioned petition and offer the following comments;

Public Utilities is not apposed to the annexation however as part of the annexation process the expected sewer and water demand and degree of expansion necessary to fully support the area will have to be identified. In addition to the sewer and water, the storm drain system must be evaluated and any improvements necessary to support the property within annexation. The change of land use will affect the expected water use, sanitary sewer and storm drain discharge rates. Public Utilities will require that conceptual master plans for the sewer, water and storm drain be submitted and approved before we will grant final approval of the annexation. The concept plans must identify the major conveyance systems improvements and resolve any major conflicts that may prevent the implementation of the final master plan. Once the expansions are identified the Department will place them on the Capital improvement list. If the developer wishes to develop the property faster than Public Utilities can provide service then they will be required to make the improvements necessary as identified in the master plan for the sewer, water and storm drain systems along the property. Further development of the conceptual master plans will be necessary before any development will be allowed.

As always, if you have any questions please do not hesitate to contact me.

Sincerely,

Jason Brown, PE

Development Review Engineer Salt Lake City Public Utilities 1530 South West Temple Salt Lake City, UT 84115 (801) 483-6729 (801) 483-6855 fax

BUILDING SERVICES

From: Walkingshaw, Nole

Sent: Wednesday, May 28, 2008 11:03 AM

To: Joyce, Everett Cc: Butcher, Larry

Subject: BNA Realty Annexation

Everett,

Building Services has no comments on the proposed annexation.

Thank you, Nole

Nole Walkingshaw Salt Lake City Planning and Zoning Senior Planner 801-535-7128

FIRE

From: Itchon, Edward

Sent: Friday, May 30, 2008 4:25 PM

To: Joyce, Everett

Cc: Montanez, Karleen; Butcher, Larry Subject: 400-08-03 annexation BNA reality

No issues

Attachment E

Annexation Plat

