

provide that information and vote to continue action on the petition.

**I. Exhibits:**

1. Draft Annexation Agreement
2. Concept Plan

EXHIBIT G

Applicable Staff Reports



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**ANNEXATION –JOHANSEN PROPERTY**  
**December 5, 2017**

Report Date: November 28, 2017  
Applicant: Michael Johansen  
Owner: Louise Johansen  
Location: SE Corner Pioneer Crossing and 2300 West  
7927 North 9550 West, Lehi  
Major Street Access: Saratoga Road  
Parcel Number(s) & Size: 13:029:0114, 1.94 acres  
Parcel Zoning: Residential Agriculture 5 (RA-5 County Zoning)  
Proposed Zoning: Industrial, then Regional Commercial  
General Plan: Regional Commercial  
Adjacent Zoning: Agriculture (Utah County)  
Current Use of Parcels: Agriculture  
Adjacent Uses: Agriculture  
Type of Action: LEGISLATIVE  
Land Use Authority: CITY COUNCIL  
Author: Nora Shepard, AICP, Senior Planner

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**A. Executive Summary:**

The applicant is requesting annexation of approximately 1.94 acres into the City of Saratoga Springs, and requests to zone the newly annexed property as Industrial (I) to accommodate existing and a short term use. Zoning will change to Regional Commercial (RC) to allow for commercial development in the future. The request also includes approval to allow the development of a Vehicle Storage use until such time as the property owner determines that Regional Commercial Uses are viable. The annexation is a legislative decision solely by the City Council,

**Recommendation:**

**Staff recommends the City Council and choose from the options in Section H of this report.** Options include approval, denial, or continuation of the proposed Annexation.

- B. Specific Request:** The application is for the annexation and zone designation of Industrial for the short term, converting to Regional Commercial when the applicant desires to redevelop the property to Regional Commercial Uses. The proposed annexation falls within the City's Annexation Declaration Area, and the Future Land Use Map identifies it as Regional Commercial. The request includes entering into an Annexation Agreement (Exhibit A) to address the Industrial

Zoning and interim use of the property for Vehicle Storage.

Subject to the terms of the Annexation Agreement, the current zoning designation of the Property shall be Industrial with the only allowed uses of Vehicle Storage (subject to issuance of a conditional use permit per City regulations) as well as existing nonconforming uses (hereinafter "Current Permitted Uses"). The Industrial Zone designation shall continue for 10 years from the Effective Date. Except as specifically provided in this Agreement, the Current Permitted Uses shall be subject to all City regulations of the Industrial Zone that are effective on: (a) the Effective Date, with respect to the existing nonconforming uses; or (b) the date a complete conditional use permit application is filed for the Vehicle Storage Use. At the end of the 10 years, the Vehicle Storage Use shall automatically expire and no longer be permitted and the zoning designation for the Property shall automatically change to RC or equivalent. Any future use and development of the Property (hereinafter "Future Uses"), except for the nonconforming uses existing on the Property as of the Effective Date, shall be subject to all provisions of the RC zone and City regulations existing at the date a complete Site Plan or Preliminary Application is filed.

Owner may elect to terminate the Vehicle Storage Use prior to the end of the 10-year period from the Effective Date. Should Owner elect to do so, the zoning of the Property will automatically change to RC once a plat or site plan is approved and/or recorded.

The terms of the interim use are as follows:

1. Developer will be required to receive a Conditional Use Permit for the RV Storage Use. That Conditional Use Permit will expire after a period of 10-years. Planning Commission recommended a review period of 5 years be required, consistent with the Code.
2. The initial development of the site as Vehicle Storage will be allowed without complete compliance with development standards. Developer will be allowed to use a drivable surface, other than asphalt, such as road base.
3. The existing septic system and well will be allowed to be used at this time.
4. Road improvements, sewer improvements, sewer and water connection, and all other code requirements will be required to comply with City standards at the time of application for any future change in use and redevelopment of the site.
5. Initial site development to allow the property to be used as Vehicle Storage Yard is not required to install landscaping or trail improvements. As an express condition of the Annexation Agreement and Zoning Request, Developer shall be required to install an opaque screening fence, 6-8 feet in height, within 2 years of the date of this agreement.
6. At the time of application for any future use and redevelopment of the site, Developer will be required to install landscape, trail and fencing improvements consistent with the standards in place at the time.

- C. **Process:** Utah Code Chapter 10-4, subsections 401 through 428, govern the process for considering annexations. The petition was accepted by the City Council on March 21, 2017, and was certified by the City Recorder on April 20, 2017. After certification, there is a 30-day protest period. A protest was filed by Lehi City on May 22, 2017. The Utah County Boundary Commission heard the protest on September 13, 2017. The protest was denied. Saratoga Springs received the official written decision on October 10, 2017. The City Council can now

move forward and take action on the annexation request consistent with Utah State Code Section 10-2-408. No public hearing is necessary.

Chapter 19.22 of the City Code contains additional requirements that properties must meet before annexing into the City. An analysis of those provisions is provided in Section G, below.

- D. **Community Review:** A public hearing was held before the Boundary Commission. No public hearing is necessary for to approve the Annexation at this time.

The Planning Commission held a public hearing and forwarded a positive recommendation on the rezone to Regional Commercial associated with the proposed annexation on April 13, 2017. No public hearing on the zoning has been held with the City Council. Since that time, Title 19 of the Saratoga City Code has been amended so that zoning is simply applied at the time of annexation by the City Council.

- E. **Review:** This annexation was provided to the County for comment. The County requested changes be made to the Annexation Plat and those changes have been made.

The concept plan for an interim use was submitted in association with the Annexation (Exhibit B). It has been reviewed by Planning and Engineering and comments have been provided to the applicant.

- F. **General Plan:** While the property is currently outside of the City, the General Plan Land Use Map extends over property in the Annexation Declaration Area. This property is currently designated as Regional Commercial. The description in the General Plan of the Regional Commercial District is:

*"These areas generally should include variety of retail users including big box retail configured in developments that provide excellent vehicular access to and from major transportation facilities. They should include special urban improvements to make rich and enjoyable public spaces. To promote foot traffic, these areas should be compact and include a safe pedestrian environment and access to a multi-modal transportation network."*

**Potential finding: Consistent.** The proposed Regional Commercial Zoning is consistent with the Land Use Designation in the General Plan. The Industrial Zoning is a temporary designation to allow existing uses to remain and allow for Vehicle Storage, subject to approval of a Conditional Use Permit.

- G. **Substantive Code Criteria:  
Annexation Requirements**

Section 19.22.01 contains standards and guidelines for annexations:

1. Developers shall provide public improvements in accordance with City ordinances. ***Will Comply.*** *The concept plan has been reviewed and comments provided regarding the need for appropriate infrastructure and improvements to be provided at the time of plat approval and development. All future improvements and redevelopment of the site*

*will be reviewed for compliance with City ordinances at time of site plan approvals.*

2. Developers shall pay all applicable impact fees, service fees, and assessments in addition to the annexation fee.

*Complies. Fees will be charged at time of plat, building permit, or site plan approval in accordance with City Code.*

3. Developers will be subject to all other appropriate and adopted fees to offset the costs to the City.

*Complies. All appropriate impact and development fees will be required to offset the costs of development to the City.*

4. The applicant will be charged for all attorneys' fees associated with review of the annexation and drafting of applicable documents.

*Complies. The required City Attorney's review costs are included with the fees for future development review.*

5. Piecemeal annexation of individual small parcels of property is discouraged if contiguous parcels, soon to be developed, are available in order to avoid repetitious annexations. *Complies. This annexation is not of a small piece, and other adjacent properties are in the process of annexation and development.*

6. Except as permitted in Utah Code § 10-2-401 et seq., no unincorporated islands or peninsulas will be left or created by the annexation.

*Complies. The existing area is currently an island in the County. This annexation will decrease the size of that island. The County has reviewed the annexation and would prefer that the entire area be annexed, however State Code prohibits annexation of agriculturally zoned property (without owners consent. The property in the annexations is Ag).*

*Complies. Boundaries follow existing property lines.*

7. Irregular boundaries should be minimized.

*Complies.*

8. The Annexation should generally follow existing roads, property lines, easements, utilities and power lines in order to minimize the public expense for extension of main or service lines and streets.

*Complies. The annexation follows existing property lines and roadways.*

9. In order to provide for the orderly growth and development in the City and avoid confusion and undue cost to the taxpayers, all utility and service hook-ups shall be limited to incorporated areas of the City and shall not be made available outside the City limits. The only exception shall be those extensions which are made pursuant to agreement with other units of government under the Interlocal Cooperation Act or by specific approval of the City Council.

*Complies. No hookups are proposed outside City boundaries. The annexation will fall within existing school districts. City special district boundaries will be amended along with future plat(s) or site plans.*

10. Utilities shall be extended by the developer to annexed areas as soon as practicable after annexation. By approving an annexation, the City is not committing or obligating itself to provide utility services to newly annexed or undeveloped property.

*Complies. The applicants are aware of utility requirements and potential issues and are not intending to hook up to City Water or Sewer until the site is redeveloped.*

11. Extensions of service lines and utilities shall be performed by the property owner for the annexed land and shall be planned and constructed in full compliance with City ordinances. *Complies. Will be installed at the time of redevelopment or future development of more intense uses.*
12. Each annexation shall require a disclosure by the developer of anticipated needs of utilities and street improvements and a timetable of completion of those improvements as well as developing the project.  
*Complies. Sufficient general information has been provided to City Engineer with Concept Plan application, and more detailed information will be required with concept plan resubmittals, and preliminary plat applications.*

**19.22.6. Classification of Annexed Territory.**

1. In accordance with Utah Code § 10-9a-506, all property annexed to the City shall be assigned by the City Council at the time the property is annexed a land use zone that is defined in this Code and a designation listed in the Land Use Element of the General Plan.  
*The property will initially be zoned as Industrial (maximum of 10 years) to accommodate existing uses and vehicle storage as a temporary use, but will ultimately convert to Regional Commercial at such time as a Site Plan or Plat approval occurs and the property is further developed. The Land Use Designation in the General Plan is Regional Commercial, and the applicants request that Regional Commercial zoning be the eventual zoning designation.*
2. If the City Council does not assign a zone or General Plan designation, the property shall be assigned the zone or General Plan designation of Agricultural, which is considered the least impactful to surrounding uses.
3. When determining what land use designations may be appropriate, the City Council may consider the land use of adjacent properties.  
*Adjacent properties are zoned Agricultural, but shown as Regional Commercial in the Saratoga Springs Land Use Plan.*

**H. Recommendation and Alternatives:**

Staff recommends the City Council conduct a public hearing, take public input, discuss the annexation, and choose from the following options.

**Option 1 – Staff Recommendation: Approve the Johansen Property into the City of Saratoga Springs with the specific provisions regarding an interim use and Zoning**

"I move to approve the Annexation of the Johansen Property, as outlined in Exhibits A and B with the following Findings and Conditions:

**Findings**

1. The application complies with the criteria in Chapter 19.22 of the Development Code, as articulated in Section G of the staff report, which section is incorporated by reference herein.

2. The application is consistent with the General Plan, as articulated in Section F of the staff report, which section is incorporated by reference herein.
3. The petition complies with the standards and requirements of Utah State Code, including acceptance, certification and all required notices to affected entities.
4. The property will be initially zoned as Industrial to allow for existing use to continue and to allow for Vehicle Storage (subject to a Conditional Use Permit).

**Conditions:**

1. The Property Owner and City will execute an Annexation Development Agreement consistent with Exhibit A.
2. Prior to the use of the parcel for commercial Vehicle Storage, the Owner shall be required to apply and receive approval for a conditional use permit.
3. The terms of the interim use are as follows:
  - a. Developer will be required to receive a Conditional Use Permit for the RV Storage Use. That Conditional Use Permit will expire after a period of 10-years. Planning Commission recommended a review period of 5 years be required, consistent with the Code.
  - b. The initial development of the site as Vehicle Storage will be allowed without complete compliance with development standards. Developer will be allowed to use a drivable surface, other than asphalt, such as road base.
  - c. The existing septic system and well will be allowed to be used at this time.
  - d. Road improvements, sewer improvements, sewer and water connection, and all other code requirements will be required to comply with City standards at the time of application for any future change in use and redevelopment of the site.
  - e. Initial site development to allow the property to be used as Vehicle Storage Yard is not required to install landscaping or trail improvements. As an express condition of the Annexation Agreement and Zoning Request, Developer shall be required to install an opaque screening fence, 6-8 feet in height, within 2 years of the date of this agreement.
  - f. At the time of approval for any future use and redevelopment of the site, Developer will be required to install landscape, trail and fencing improvements consistent with the standards in place at the time.
4. Any other conditions or changes as articulated by the City Council: \_\_\_\_\_

**Option 2 – Rejection of the Annexation Petition:**

The City Council may choose to reject the Consolidated Perelle Meadows Annexation if it finds that it is inconsistent with Chapter 19.22 of the Saratoga Springs City Code.

"I move to reject the Consolidated Perelle Annexation due to the following inconsistencies with Chapter 19.22 of the Saratoga Springs City Code:

- 1.
- 2.

**Option 3 – Continue Action:**

If there is additional information needed to make a decision, the City Council can request that staff



provide that information and vote to continue action on the petition.

**I. Exhibits:**

1. Draft Annexation Agreement
2. Concept Plan

Motion by Council Member Willden to approve Lakeside Plat 26 Final Plat with the findings and conditions listed in the staff report, and modification of Condition 3a to twenty feet (20'), was seconded by Council Member Baertsch

Vote: Council Members Baertsch, Willden, and Poduska – Aye

Motion carried 3-0.

2) **Johansen's RV Storage Annexation, Michael Johansen Applicant, Southeast Corner of Pioneer Crossing and 2300 West, 3 parcels numbered 13:029:0114; Ordinance 1-36 (12-5-17).**

Planning Director David Stroud presented the staff report and recommendation for approval of the Johansen's RV Storage Annexation. The Applicant is requesting annexation of approximately 1.94 acres into the City of Saratoga Springs and zone designation of Industrial to accommodate existing and a short term use as vehicle storage subject to the proposed Development and Annexation Agreement. The proposed annexation falls within the City's Annexation Declaration Area, the Future Land Use Map identifies the property as Regional Commercial (RC) and the zoning will change from Industrial to Regional Commercial to allow for commercial development in the future. The request includes entering into a Development and Annexation Agreement to address the Industrial zoning and interim use of the property for vehicle storage. City Manager Christensen noted use of the property for vehicle storage was requested by the Johansen's at the start of the application process.

Council Member Baertsch clarified in regard to a guaranty for fencing; Director Stroud advised the owner must apply for Conditional Use Permit (CUP) for the proposed use and this would be a requirement. Applicant Michael Johansen confirmed he would install a fence prior to start of business. Council Member Willden noted his continued concern regarding certain types of Industrial businesses especially at Pioneer Crossing and entrance to the City, however, with the Development Agreement he does not have these concerns.

Motion by Council Member Baertsch to approve Johansen's RV Storage Annexation with the accompanying Development Agreement and Ordinance 17-36 (12-5-17), was seconded by Council Member Poduska.

Vote: Council Members Poduska, Willden, and Baertsch – Aye

Motion carried 3-0.

1) **Budget Policy Document Approval; Resolution R17-100 (12-5-17) (Cont. from 11-14-17).**

Management Analyst Daniel Widenhouse requested this item be continued to allow greater review of the Purchasing policy and to consider this document at the January 2, 2018 meeting with two other financial policies.

Motion by Council Member Baertsch to continue this item to the January 2, 2018 regular meeting, was seconded by Council Member Poduska.

Vote: Council Members Baertsch, Willden, and Poduska – Aye

Motion carried 3-0.

4) **State Lands (FFSL) Lakeshore Trail Agreement; Resolution R17-103 (12-5-17).**

Public Works Director Jeremy Lapin reported the Division of Forestry, Fire, and State Lands (FFSL) has approached the City to consider entering into a Memorandum of Understanding (MOU) for the ownership and maintenance of the Lakeshore Trail. The trail is adjacent to the sovereign lands of Utah Lake and was constructed by various developments. FFSL would like to transfer fee title ownership of the property so that the City can own and maintain the trail and become the sole "adjacent land owner" to Utah Lake. Director Lapin advised making the City the adjacent land owner is important for control of lake access and

AFFP  
18235-PUBLIC NOTICE

## Affidavit of Publication

STATE OF UTAH }  
COUNTY OF UTAH } SS

Miranda Hubert, being duly sworn, says:

That she is Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, printed and published in Provo, Utah County, Utah; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

December 08, 2017

That said newspaper was regularly issued and circulated on those dates. Same was also published online at utahlegals.com, according to Section 45-1-101 - Utah Code Annotated, beginning on the first date of publication, for at least 30 days thereafter and a minimum of 30 days prior to the date of scheduled sale.

SIGNED: Miranda Hubert

Legal Billing Clerk

Subscribed to and sworn to me this 8th day of December 2017.

Willy Shaw  
Willy Shaw, Notary Public, Utah County, Utah

My commission expires: September 24, 2021

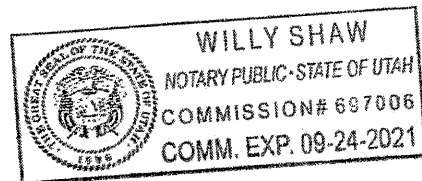
### PUBLIC NOTICE

Notice is hereby given that the City Council of the City of Saratoga Springs, Utah, at their meeting of December 5th 2017, passed and adopted the following Ordinances:  
1) Ordinance no. 17-36 (12-5-17) an ordinance approving the Johansen annexation of approximately 1.94 acres of land into the City of Saratoga Springs.  
2) Ordinance no. 17-37 (12-5-17) an ordinance enacting temporary Land Use Regulations relating to the purchase of water sources and rights for development activity.

Copies of these Ordinances are on file in the office of the City of Saratoga Springs City Recorder and are available for review during City business hours.

/s/ Cindy LoPiccolo, City Recorder

Legal Notice 18235 Published in The Daily Herald December 8, 2017.



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City of Saratoga Springs - leg  
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