

**CHAPTER 7**  
**ANNEXATION PROCEDURE**  
**Chapter Outline**

<b>1.</b>	<b>Purpose</b> .....	<b>7-1</b>
<b>2.</b>	<b>General Requirements</b> .....	<b>7-1</b>
<b>3.</b>	<b>Property Owner Initiation of Annexation</b> .....	<b>7-3</b>
<b>4.</b>	<b>Procedure for Petition and Plats</b> .....	<b>7-4</b>
<b>5.</b>	<b>Annexation Petition Review</b> .....	<b>7-5</b>
<b>6.</b>	<b>Municipal Initiation of Annexation</b> .....	<b>7-8</b>
<b>7.</b>	<b>Expansion Area Boundary Map</b> .....	<b>7-9</b>
<b>8.</b>	<b>“Affected Entitles” Statements</b> .....	<b>7-9</b>

## **CHAPTER 7**

### **ANNEXATION PROCEDURE**

#### **1. PURPOSE:**

Annexation procedures outlined in this chapter were written with the intent to protect the general interests and character of the community; assure orderly growth and development of the community in terms of utilities and public services; preserve open space, enhance parks and trails, ensure environmental quality; protect entry corridors, view sheds and environmentally sensitive lands; preserve historic and cultural resources; create buffer areas; protect public health, safety, and welfare; and ensure that annexations are approved consistent with city general plans and Utah State Law.

Most city goals strive to avoid gaps between or overlaps with the expansion area of other cities. Cities normally consider the population growth projections for the city and adjoining areas for the next 20 years; consider current and projected costs of infrastructure, urban services, and necessary public facilities; facilitate full development of areas within the city; expand infrastructure, services, and facilities into the area being considered for inclusion in the expansion area when practical and feasible. Cities also consider, in conjunction with the city's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development; consider the reasons for including agricultural lands, forests, recreation areas, and wildlife management areas in the city, and are guided by the following principals.

If practical and feasible, boundaries of an area proposed for annexation are normally drawn:

- A. Along the boundaries of existing special districts for sewer, water, fire, and other services, 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;
- B. To eliminate islands and peninsulas of territory that are not receiving municipal type services;
- C. To facilitate the consolidation of overlapping functions of local government;
- D. To promote the efficient delivery of services; and
- E. To encourage the equitable distribution of community resources and obligations.

It is normally the city's intent to ensure that property annexed into the city will contribute to the attractiveness of the community and will enhance its image which is critical for economic viability, and that the potential deficit of revenue against expense to the city is not unreasonable.

Annexation policy plans and declarations normally incorporate by reference all standards required and suggested by Sections 10-2-401 et seq, of the Utah Code, Annotated, 1953, as amended.

#### **2. GENERAL REQUIREMENTS:**

The following requirements are normally established for annexations:

- A. Property under consideration of annexation must be considered a logical extension of the city boundaries;

- B. Annexation of property to a city must be consistent with the intent and purpose of the city's general plan.
- C. Every annexation shall include the greatest amount of property possible that is a contiguous area and that is contiguous to the city's municipal boundaries.
- D. Piecemeal annexation of individual small properties is normally discouraged if larger contiguous parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.
- E. Islands of county jurisdiction shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.
- F. In addition to services provided by existing districts, such as sewer, fire protection, and public schools, the following urban level services, consistent with those normally provided in the rest of the incorporated boundaries will be provided to annexed areas:
  - 1. Police protection;
  - 2. Snow removal on public streets, subject to standard city snow removal policies;
  - 3. Street maintenance on existing streets, provided that such streets have been constructed or reconstructed to city street standards or are acceptable to the City Engineer and City Council;
  - 4. Planning, zoning, and code enforcement;
  - 5. Availability of municipal sponsored parks and recreational activities and cultural events and facilities;
  - 6. Water services as the area is developed. Existing water treatment and storage facilities may currently be inadequate to provide services to the annexed area. Developers of the annexed area are required to pay for the cost of improvements related to the extension of and connection with the city lines and systems as well as participate in additional improvements such as storage capacity and distribution as necessary for safe, reliable, and efficient water flows.
- G. If feasible and practical, water and sewer lines shall be extended to the area proposed for annexation. Expenses associated with such extension shall be the responsibility of the applicant(s). The city shall determine timing and capacity of extending water and sewer to the proposed annexation area.
- H. Before considering requests for annexation, the city shall carefully analyze the impacts of annexation of an area, taking into consideration whether the area will create negative impacts on the city and considering whether the city can economically provide services to the annexed area. Community issues such as location and adequacy of schools and community facilities, traffic, fire protection, particularly in wildfire/wildland interface zones, usable open space and recreation areas, protection of sensitive lands, conservation of natural resources, protection of view corridors, protection and preservation of historic resources, affordable housing, balance of housing types and ownership, adequate water and sewer capacity to serve the future needs of the proposed annexation area shall also be considered.

- I. Situations may exist where it is in the public interest to preserve certain lands from development where there exist geologic hazards, excessive slopes, flood plains or where the need for preservation of community open space and/or agricultural lands is consistent with the general plan. In such circumstances, annexations may occur as a means of retaining those lands in a natural state.
- J. The city shall consider annexation of unincorporated areas of the county that are within the annexation expansion area as defined.
- K. In general, the city does not favor annexation of territory, which should be located within another municipality nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues, or for retarding the capacity of another municipality to annex.
- L. Annexations that expand the resort and/or tourist economy, provide second home or rental residential properties, preserve environmentally sensitive lands, and provide significant public open space and/or community facilities are preferred.

**3. PROPERTY OWNER INITIATION OF ANNEXATION:**

When initiated by a property owner, the process for annexation shall be as follows:

- A. The property owner or owners shall submit to the city a petition for annexation. The petition shall meet the criteria and shall be in the form as established by the city and in compliance with State law as set forth in Sections 10-2-401, 402, and 403 of the Utah Code, Annotated, 1953, as amended.
  - 1. The petition shall contain signatures of property owners representing a majority of the private land area and at least one third (1/3) of the value of all private real property within the area proposed for annexation.
  - 2. If the area is within an agriculture protection area created under state law Title 17, Chapter 41, Agriculture Protection Area, then the petition must cover one hundred percent (100%) of the private land area within the area proposed for annexation.
  - 3. If the property is owned by a public entity other than the federal government, the petition shall be signed by the owner of all of the publicly owned property within the area proposed for annexation.
  - 4. Said petition shall designate up to five (5) of the petitioners as sponsors, one (1) who shall be designated as the contact sponsor. The mailing address of each sponsor shall be included in the petition.
- B. Attached to and as part of the petition shall be an accurate certified survey plat of the property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing city boundaries and each individual ownership sought to be annexed, including an accurate legal description of the property to be annexed.
- C. There shall also be attached to the annexation petition a statement as to the anticipated timetable for development, if applicable, of the property being annexed.

- D. If the proposed property is intended for development, the petition for annexation shall include complete applications for a Master Planned Development (MPD) and a preliminary subdivision plat. The petition shall state the requested zoning designation(s), and shall show the proposed zoning district lines on the plans. Impact mitigation considerations in the annexation agreement will be based on the density permitted under the requested or applied zone requirements.
- E. Zoning requests are normally subject to review and consideration of the planning commission for a recommendation, with final approval by the city council concurrent with public hearings on the proposed annexation.
- F. There shall also be attached to the annexation petition a full disclosure statement of any and all waters owned or historically utilized on the property to be annexed, and a statement from the water owner(s) as to the estimated value of the water or the price at which he or she is willing to sell the said water to the City.
- G. The annexation petition shall not propose annexation of any land area proposed for annexation to a municipality in a previously filed petition that has not been granted, denied, or rejected.
- H. The annexation petition shall not propose annexation of any land area being considered for incorporation under Utah State law.
- I. On the date of filing the annexation petition with the city recorder, the petition sponsor(s) shall also deliver or mail a copy of the petition to the county clerk of the county in which the property is located and to the chair of the planning commission which has review authority or jurisdiction over the said property.
- J. There shall be attached to the petition a comprehensive review and analysis of surrounding property. See Section 15-8-5(E).

**4. PROCEDURE FOR PETITION AND ANNEXATION PLATS:**

The procedure for processing annexation petitions and plats shall be as follows:

- A. A petition and proper plat certified by a licensed surveyor shall be submitted to the city recorder in accordance with Section 10-2-403(2)(C) of the Utah Code, Annotated, 1953, as amended, together with any other information required by the city staff to enable the staff to prepare an annexation impact report.
- B. Prior to city council action on the petition, the petition and plat shall be reviewed by the community development director, who shall determine the feasibility of expanding the annexation boundaries and who shall prepare a written recommendation for consideration by the city council.
- C. If the city council accepts the annexation petition, the petition shall be delivered to the city recorder for certification pursuant to Section 10-2-405 of the Utah Code, Annotated, 1953, as amended.
- D. If the annexation petition is certified by the city recorder, the city council shall provide for public notice and shall set a hearing as set forth in Section 10-2-406 of the Utah Code, Annotated, 1953, as amended.
- E. The planning commission, upon referral from the community development director, shall hold a public hearing and make a recommendation on the annexation proposal, including the recommended zoning, to the city council.

- F. After receipt of the planning commission's recommendation and after giving notice pursuant to Section 10-2-406 of the Utah Code, Annotated, 1953, as amended, the city council shall hold a public hearing on all proposed annexations. After closure of the public hearing, the city council may either grant or deny the annexation petition; provided, however, that protests to an annexation petition shall be dealt with as set forth in Section 10-2-407 of the Utah Code, annotated, 1953, as amended. Denial of or granting the petition under protest is subject to Section 10-2-408 of the Utah Code, Annotated, 1953, as amended.
- G. Once the city council enacts an ordinance annexing an unincorporated area or adjusting a boundary all applicable zoning and code sections shall apply to the annexed property.
- H. Within thirty (30) days after enacting an ordinance annexing an unincorporated area or adjusting a boundary, the city shall:
  - 1. Record with the county recorder a certified copy of the ordinance approving the annexation or boundary adjustment, together with the annexation plat or map prepared by a licensed surveyor and approved by the city, showing the new boundaries of the affected area.
  - 2. File with the Lieutenant Governor of the State of Utah the amended Articles of Incorporation reflecting the annexation or boundary adjustment, as provided in Section 10-1-117 of the Utah Code, Annotated, 1953, as amended.
  - 3. Comply with the notice requirements of Section 10-1-116 of the Utah Code, Annotated, 1953, as amended.

5. **ANNEXATION PETITION REVIEW:**

A. **Staff Review Team.**

After approval of the annexation petition by the city council, general annexation procedure shall comply with Utah State law; provided, however, that the city council shall not take final action on any petition until the same has been reviewed by the planning commission and by the designated staff review team.

B. **Annexation Evaluation and Staff Report.**

The staff review team will review each annexation and zoning request. The community development department will prepare a staff report with considerations and a staff recommendation to present to the planning commission. The staff report shall include an evaluation of the proposed annexation and shall include at least the following information:

- 1. The ability to meet the general annexation.
- 2. An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features, e.g., drainage, channels, streams, wooded areas, areas of high water table, very steep slopes, sensitive ridge line areas, wildfire/wildland interface zones, and other environmentally sensitive lands.
- 3. Current and potential population of the area and the current residential densities.
- 4. Land uses presently existing and those proposed.

5. Character and development of adjacent properties and neighborhoods.
6. Present zoning and proposed zoning.
7. A statement as to how the proposed area, and/or its potential land use will contribute to the achievement of the goals and policies of the general plan.
8. Assessed valuation of the current properties.
9. Potential demand for various municipal services and the need for land use regulation in the area, e.g. consideration of the distance from existing utility lines, special requirements for sensitive lands review and fire protection in Wildfire/Wildland Interface Zones, location within hazardous soils areas, and feasibility of snow removal from public streets.
10. The effect the annexation will have upon city boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service areas.
11. A specific timetable for extending services to the area and how these services will be financed.
12. Potential revenue versus service costs.
13. An estimate of the tax consequences to residents of the area to be annexed.
14. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and potential impact of the annexation on general county economic needs, goals, or objectives.
15. Location and description of any historic or cultural resources.

**C. Conditions of Annexation Approval and Annexation Agreement.**

The city has established the following conditions, which must be met prior to completion of the annexation, unless the city council finds that the circumstances of an annexation are such that a condition or conditions do not apply. These conditions shall be applied consistently for each property; however, unusual or unique circumstances may emerge from time to time where special conditions may be applied. The conditions of annexation approval shall be formalized as part of the written annexation agreement. The annexation agreement shall be ratified by the planning commission, signed by the city council and recorded with the county recorder. The annexation agreement shall include, but is not limited to the following conditions:

1. Transfer of usable water rights as established by city policy sufficient to serve the proposed development.
2. Additional improvements as necessary, which may be required in order to improve the water system.
3. Dedication of necessary streets, trails, utilities, and rights-of-way consistent with the subdivision standards of this code.
4. Phasing of the project to insure adequacy of public facilities may be required.

5. Payment of park land acquisition fees, dedication of open space or conservation areas, and payment of development impact fees.
6. Provision of affordable housing in accordance with the affordable housing resolution, as in effect at the time of petition.
7. Submittal of Site plans and architectural plans for review.
8. Flood plain management or preservation of environmentally sensitive.
9. Analysis and survey of any historic and cultural resources located on the property.
10. Analysis of the fiscal impacts of the development as determined necessary by the city. The fiscal impact analysis format, including the revenue and cost assumptions, shall be approved by the city. If necessary, the city shall hire qualified experts to perform the fiscal impact analysis.
11. Fees paid in lieu of satisfying certain conditions, as approved by council action.
12. Comprehensive review of surrounding property as described below in Section 15-8-5(D).
13. Any other condition reasonably related to a health, safety, or welfare issue or negative impact of the project.

**D. Amendments to the Annexation Agreement.**

Subsequent substantive amendments to the annexation agreement are subject to review and approval by the planning commission and city council with adequate public notice and recordation with the county recorder.

**E. Comprehensive Review and Analysis of Surrounding Property.**

A comprehensive land use review and analysis of property surrounding the proposed annexation must be completed and submitted with the annexation petition. This analysis of surrounding property shall be in sufficient detail for the city to determine the long term community impacts of the proposed annexation on these properties. This analysis must include, but is not limited to, all property within one and one-half (1 ½ ) mile of the boundaries of the proposed annexation. The community development director may modify the study area one-half ( ½ ) mile more or less to achieve a suitable and logical study area.

The review and analysis of surrounding property shall be performed by a qualified land use planner with assistance from other professionals, such as traffic engineers, civil engineers, wildlife biologists, hydrologists, and soils scientists. The city reserves the option of selecting the qualified professionals to perform this analysis with the cost to be paid by the applicant. The review and analysis shall include, but is not limited to a study of the following:

1. Slope, wetlands, vegetation, wildlife habitat, view corridors, existing historic and cultural resources, and significant geological features.
2. Existing and proposed road systems.
3. Existing and proposed utilities and major utility extension plans.

4. Location of proposed open space, recreational areas, and trail systems.
5. Existing and proposed land uses including type and density of residential areas.
6. Existing and proposed locations of community facilities such as fire stations, schools, parks, recreation centers, etc.

**6. MUNICIPAL INITIATION OF ANNEXATION:**

It shall be the policy of the city to annex areas meeting all of the following criteria with or without receipt of a petition from the property owners:

- A. The annexation is an island within or a peninsula contiguous to the city;
- B. The majority of each island or peninsula consists of residential or commercial development;
- C. The area proposed for annexation requires the delivery of municipal-type services; and
- D. The city has provided most or all of the municipal-type services to the area for more than one (1) year.
- E. Annexation of the area is supported by the goals of the general plan, including open space, land use, affordable housing, recreation, growth management, and economic development.

Such annexations shall be processed as provided under Section 10-2-418 of Utah Code, Annotated, 1953, as amended, including all noticing and public hearing requirements. This review shall be in addition to the review required in Section 15-8-5 herein.

If written protest to such annexation is filed timely and complies with Section 10-2-418 Subsection (3) of the Utah Code, Annotated, 1953, as amended, the city may not adopt an ordinance annexing the area proposed for annexation, and the annexation proceedings under this section shall be considered terminated.

**7. EXPANSION AREA BOUNDARY MAP.**

- A. The expansion area boundary map should be included as exhibit A.
- B. The following criteria were used as justification to exclude from the expansion area property considered by State definition to be urban development:
  1. Topography and other physical constraints to efficient delivery of basic services.
  2. Overlapping utility providers with services already being provided by others.
  3. Level of existing services and standing of existing roads are below city standards and require expensive upgrades.
  4. Other high fiscal implications to the city.
  5. Overlapping school districts, i.e. not in city school district.

6. Overlapping taxing entities and location in the county.

8. **STATEMENTS FROM "AFFECTED ENTITIES"**.

Statements from "Affected Entities" should be included as Exhibit B.