

# Annexation Road Map

2

**Annexation Policy Plans**  
a brief discussion of Annexation Policy Plans, the need for, and way to adopt one.

3

**Introduction to Annexations**  
a quick discussion on the different reasons and players involved with annexations

4

**Annexation Process**  
Annexation is a process, here we discuss the way to go about it

5

**Annexation Timeline**  
Annexations don't happen over night, in fact they can take several months. An overview of the timeline is presented here.

6

**Annexation Petition**  
An example petition that includes all required information needed to submit an annexation petition.

8

**Annexation Checklist**  
a Checklist for municipal workers to ensure the annexation is moving through the process correctly

9

**Municipal Disconnections**  
an overview of the Municipal Disconnection Process

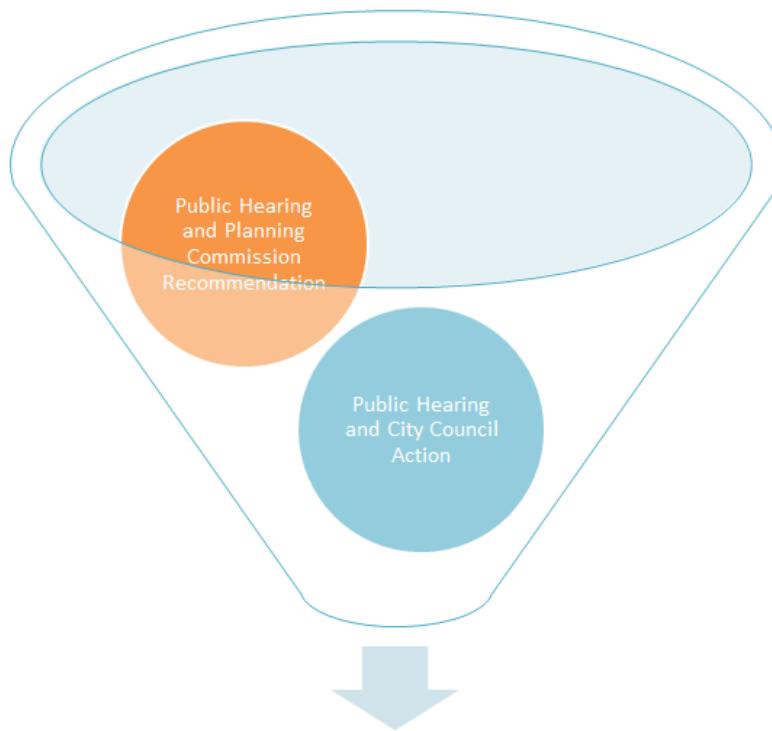
10

**Resources**

# ANNEXATION POLICY PLAN

Prior to participating in any annexation, a community must adopt an "Annexation Policy Plan" the process for adopting an annexation policy plan is as follows:

- » A public hearing regarding the proposed plan is held at a Planning Commission meeting. The Planning Commission makes a recommendation to the City Council
- » The City Council holds a public hearing on the proposed Policy Plan, and considers the Planning Commission's recommendation, makes any changes they feel are necessary and adopts the policy plan.



## Annexation Policy Plan

### 10-2-401.5. Annexation Policy Plan

(1) No municipality may annex an unincorporated area located within a specified county unless the municipality has adopted an annexation policy plan as provided in this section.

[https://le.utah.gov/xcode/Title10/Chapter2/10-2-S401.5.html?v=C10-2-S401.5\\_1800010118000101](https://le.utah.gov/xcode/Title10/Chapter2/10-2-S401.5.html?v=C10-2-S401.5_1800010118000101)

## Forming Annexation Policy Plans

Annexation Policy Plans must address the following elements:

1. Map of the expansion area
2. Character of the Community
3. Need for municipal services in developed and undeveloped unincorporated areas
4. Plans for extension of municipal services
5. How services will be financed
6. Estimate of the tax consequences to residents currently in municipality & in expansion area
7. Interests of all affected entities.
8. Justification for excluding any area with urban development within 1/2 mile
9. Statement addressing any comments made by affected entities within 10 days of the public meeting

Keep the following in mind:

- » Avoid gaps and overlaps with the expansion area of other municipalities
- » Consider population growth projections for 20 + years, consider need for residential, commercial, and industrial uses
- » Consider costs of infrastructure, services, and public facilities
- » Consider the reasons to include agricultural lands, forests, rec areas and wildlife management areas

# INTRODUCTION TO ANNEXATION

## WHAT IS ANNEXATION?

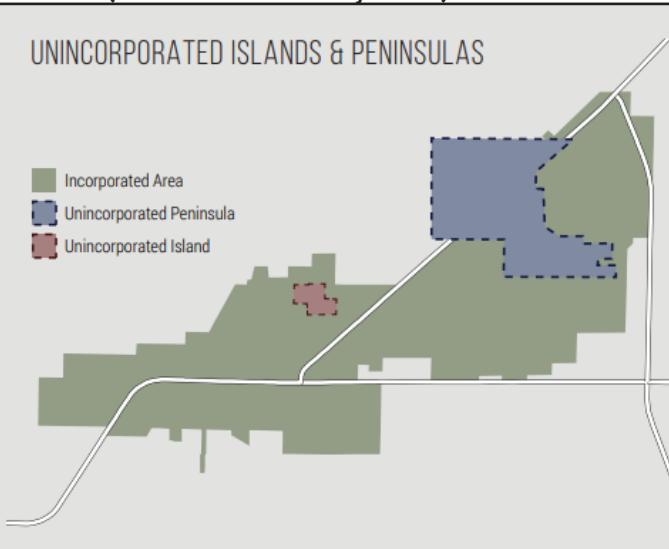
The expansion of a City's boundaries or limits through the incorporation of land. Newly annexed land becomes subject to the Municipalities plans, codes, ordinances, and administration.

Per 10-2-402 of Utah Code, a municipality may only annex property if ALL of the following are true:

- » It is a contiguous area
- » It is contiguous to the Municipality
- » Annexation will not leave OR CREATE an unincorporated island or unincorporated peninsula (unless the county and Municipality have otherwise agreed)
- » The area to be annexed is within the proposed annexing municipality's expansion area (Annexation Policy Plan)

### UNINCORPORATED ISLANDS & PENINSULAS

- Incorporated Area
- Unincorporated Peninsula
- Unincorporated Island



## WHY ANNEXATION?

There are a number of reasons when it may make sense to annex property, there are good reasons why property owners and municipalities themselves wish to annex, some of the reasons include:

- » Generating Property Tax Revenue, as annexation increases a city's property tax base. While all property will bring additional tax revenue it is important for a community to consider the cost of extending services, and utilities to new territory.
- » Extending Municipal Services: Cities are required to provide services to property within their boundaries, annexation can make sense when a city is more efficiently able to deliver services to territory than the county is due to location.
- » Manage Growth: Communities are able to apply their zoning, general plan, and development process to property within their boundaries, annexing territory can be a way to ensure an area grows in a way that is beneficial to the community.
- » Create Equity: If there are a number of county residents who live in areas contiguous to a community it is likely that they are using community services, parks, recreation etc, by annexing them into a municipality allows for a more equal distribution of the cost of providing those services.

## TERMS:

**"CONTIGUOUS"** being in actual contact, touching along a boundary or at a point.

**"UNINCORPORATED PENINSULA"** means an unincorporated area:

- » That is part of a larger unincorporated area
- » That extends from the rest of the unincorporated area of which it is a part
- » Is surrounded by land that is within a municipality, except where the area

connects to and extends from the rest of the unincorporated area

- » Whose width, at any point where a line may be drawn from a place where it borders a municipality to another place where it borders a municipality, is no more than 25% of the boundary of the area where it borders a municipality

**"UNINCORPORATED ISLAND"** Area of unincorporated land that is completely surrounded by incorporated territory

# ANNEXATION PROCESS

## ANNEXATION ROLES

**Applicant:** Submits application, files petition, makes revisions. (Person or group applying for annexation)

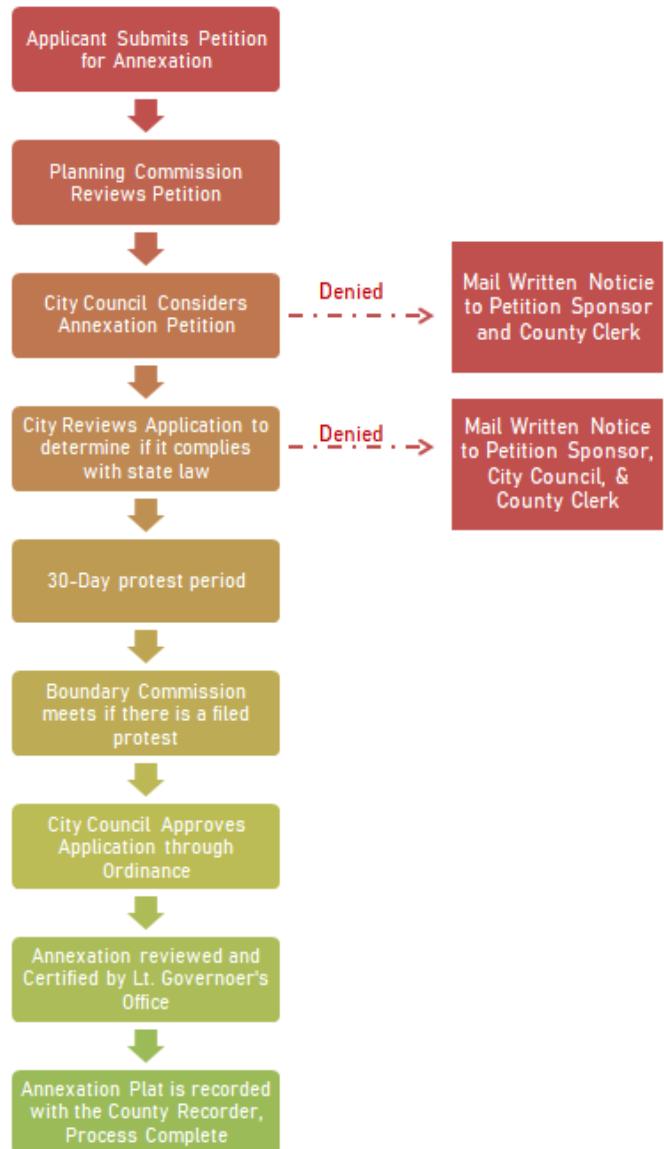
**Planning Commission:** Holds public hearing, makes a recommendation to City Council. (Advisory body)

**City Council:** Holds public hearing, accepts or denies petition, considers application, approves annexation through ordinance. (Legislative body)

**City Clerk/ Recorder:** Checks petition, reviews for compliance, mail written notice in case of denial, certifies compliance with State Code, arranges for protest period, notify county and Boundary Commission of any protests (Administrative)

**Boundary Commission:** Consider protests at a public hearing, approve, approve with modifications, or deny application, provide notice. (Quasi-Judicial)

To the right is a simplified view of the annexation process, and below are a list of actions that need to be taken by various bodies during the annexation process. These charts are simplified and presented to convey the annexation process, Title 10 Chapter 2 Part 4 of the Utah Code annotated governs annexations.



### Applicant

### Municipal Staff

### Planning Commission

### City Council

### Boundary Commission



Step 1: Submit Petition

Step 2: Confirm Petition is Complete

Step 4: Make a recommendation on Petition\*

Step 5: Accept or Deny Petition\*

Step 9: Consider Protests\*\*

Step 3: File Petition

Step 6: Review for compliance with State Code

Step 8: Provide notice of Annexation Petition and Certification

Step 7: Begin 30-Day Protest Period

Step 11: File notice of impending boundary action and copy of an approved final local entity plat with the Lt. Governor's office

Step 10: Consider Annexation and approve through Ordinance

Step 12: Annexation Plat is recorded with the County Recorder, Process Complete

# ANNEXATION TIMELINE

- Day 1: Submission . . . . .
  - . . . . • Day 3: Notice sent to Medical and Life support services
- Planning Commission makes . . .
  - . . . . .
  - recommendation to approve
  - or deny petition
  - . . . . . Day 14: Accept Petition
- Day 15: 30 Day Certification . . .
  - and Public Protest Period
  - . . . . .
  - Opens
  - . . . . . Day 30: Last day for petition signers to withdraw their signatures
- Day 55: First notice of . . .
  - certification of petition posted
  - . . . . .
  - . . . . . Day 62: Second notice of certification of petition posted
- Day 69: Third notice of . . .
  - certification of petition posted
  - . . . . .
  - . . . . . Day 70: 45 Day Notice Period (Utah Health Department) begins
- Day 116: City Council . . .
  - enacts resolution adopting
  - annexation (14 day notice required)
  - . . . . .
  - . . . . . Day 146: Municipality files a notice and copy of approved final local entity plat With Lt. Governor
- Municipality awaits Lt. Governor's Certificate of Annexation
  - . . . . .
  - . . . . . Recording of the Certificate of Annexation

Annexation is an important land use issue that can have significant impacts and tax implications for property owners, and municipalities. Due process and public participation is of paramount importance to ensure successful outcomes.

The statutory timeframes that apply to the annexation process are illustrated in the chart to the left. Interested parties should review Utah Code Title 10 Chapter 2 Part 4 annexations prior to petitioning for an annexation. Please note that a successful annexation may take longer than prescribed herein.

## ANNEXATION POLICY PLAN TIMELINE

## Day 1: Planning Commission prepares Annexation Policy Plan

## Day 1 - 14: Public Notice Period

## Day 15: Public Hearing at Planning Commission

## Day 16-25: Public Comment Period

## Day 26 - 39: Public Notice Period

## Day 40: Public Hearing at City Council and Adoption

Day 41 - 70: Municipality has up to 30 days to notify County Council of adopted Annexation Policy Plan

# ANNEXATION PETITION

The following pages include an example of an Annexation Petition application, petition, and a Checklist for Municipal Clerks/Recorders to follow in handling an annexation request.

Date of Application: \_\_\_\_\_ Total Acreage of proposed Annexation: \_\_\_\_\_  
Address of annexation: \_\_\_\_\_ Parcel Number(s): \_\_\_\_\_  
Current Land Use Designation: \_\_\_\_\_  
Future Land Use Designation (General Plan & Annexation Policy Plan): \_\_\_\_\_

## REQUIRED MATERIALS

1. Plat Map(s) showing ALL of the land included in the proposed annexation.
2. A Vicinity Map showing the proposed annexation in context with the current municipal boundaries.
3. A copy of the current year Cache County Tax Roll Report for EACH property in the proposed annexation.

- TAX ROLL REPORT has been provided for each property in the proposed annexation.
- NOTICE OF PROPOSED ANNEXATION has been sent to the owners of all property located within 300 feet of the proposed annexation within 20 days of the petition having been filed.
- PETITION FILED: Annexation petition with signatures (form provided on next page) Form shall include at a minimum:
  - » signatures of land owners that covers a majority, of private land area within proposed annexation area
  - » Signatures of land owners that covers 100% of rural real property within the area proposed for annexation (AND)
  - » signatures of land owners that covers 100% of the private land area within the area proposed for annexation, if the areas is within an agriculture protection area
  - » Is equal in value to at least 1/3 of the value of all private real property within the proposed annexation

## ANNEXATION CHECKLIST

The following items shall be in place and/or be submitted prior to processing an Annexation Petition:

- ANNEXATION POLICY PLAN has been adopted by the City Council, and the proposed property falls within the boundaries of the Policy Plan.
- PLAT MAP(S) for all land included in the proposed annexation have been provided.
- VICINITY MAP: Showing the proposed annexation in context with the current municipal boundaries has been provided.

## ACKNOWLEDGEMENT

I certify under penalty of perjury that this application and all information submitted as part of this application are true, complete, and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application.

Property Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

# PETITION FOR ANNEXATION

PLEASE ENSURE THE FOLLOWING PAGE IS COMPLETE. INDICATE THE OFFICIAL SPONSOR OF THE ANNEXATION BY CIRCLING THE NAME IN RED INK. ATTACH ADDITIONAL PAGES AS NECESSARY

Printed Name of Property Owner:	Date:
Signature of Property Owner in FAVOR of Annexation:	
Property Address:	
Parcel Number:	Assessed Valuation:
Property Owner Address:	
Phone Number:	Property Size:

Printed Name of Property Owner:	Date:
Signature of Property Owner in FAVOR of Annexation:	
Property Address:	
Parcel Number:	Assessed Valuation:
Property Owner Address:	
Phone Number:	Property Size:

Printed Name of Property Owner:	Date:
Signature of Property Owner in FAVOR of Annexation:	
Property Address:	
Parcel Number:	Assessed Valuation:
Property Owner Address:	
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Signature of Property Owner in FAVOR of Annexation:	
Property Address:	
Parcel Number:	Assessed Valuation:
Property Owner Address:	
Phone Number:	Property Size:

Printed Name of Property Owner:	Date:
Signature of Property Owner in FAVOR of Annexation:	
Property Address:	
Parcel Number:	Assessed Valuation:
Property Owner Address:	
Phone Number:	Property Size:

Printed Name of Property Owner:	Date:
Signature of Property Owner in FAVOR of Annexation:	
Property Address:	
Parcel Number:	Assessed Valuation:
Property Owner Address:	
Phone Number:	Property Size:

# ANNEXATION CHECKLIST

This checklist comprises the requirements for annexation to occur. Leaders can use the checklist to track progress of a proposed annexation. Fill-out top-to-bottom, left-to -right

<b>PETITION</b>			
Petition submitted to planning commission?		<input type="checkbox"/>	Date:
Annexation Policy Plan In Place?			<input type="checkbox"/>
Petition Contact Name:			Date:
Address:		Phone:	Notes:
		Email:	
Petition filing fee paid?		<input type="checkbox"/>	
Adequate signatures on petition?		<input type="checkbox"/>	Number of Signatures:
Copy of petition and plat map submitted to county clerk and mailed to affected entities?		<input type="checkbox"/>	Date:
Plat map prepared by licensed surveyor?		<input type="checkbox"/>	Firm:
<b>PETITION REVIEW</b>			
Petition placed on city council agenda?		<input type="checkbox"/>	Meeting date:
Planning Commission Review (Optional)		<input type="checkbox"/>	
City Council Action: Accepted <input type="checkbox"/> Denied <input type="checkbox"/>		Reason for Denial:	
Resolution #:		Notification of decision sent to petitioner? <input type="checkbox"/>	
Recorder / Clerk Certified <input type="checkbox"/> Certification: Rejected <input type="checkbox"/>		Reason for Rejection:	
Date:		Published notice of certification? <input type="checkbox"/>	Date:
<b>DECISION</b>			
Public hearing notice (must be 10 days prior)		<input type="checkbox"/>	Date:
Annexation adopted by city council? Accepted <input type="checkbox"/> Rejected <input type="checkbox"/>		Reason for Rejection: Ordinance #:	
<b>SUBMISSION</b>			
Filed with Lieutenant Governor's Office		<input type="checkbox"/>	Date:
Receipt of annexation received from Lt. Gov		<input type="checkbox"/>	Date:
Submitted to county recorder:		<input type="checkbox"/>	Date:
Submitted to Department of Health:		<input type="checkbox"/>	Date:
Notices sent to affected entities		<input type="checkbox"/>	Date:

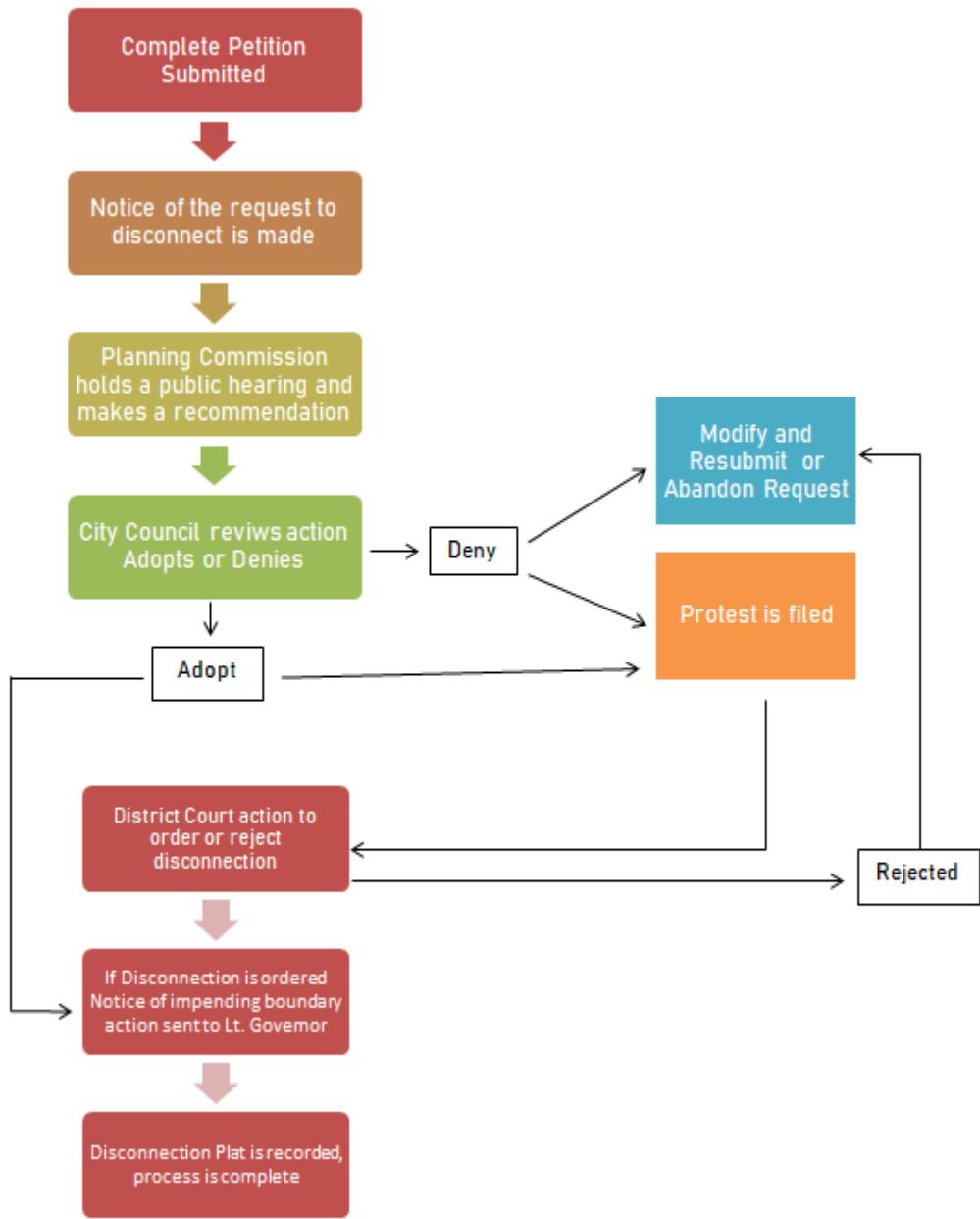
## BURDEN OF PROOF

Should a request for disconnection make its way to municipal court, the applicant(s) proposing the disconnection shall have the burden of proving the following to the court:

- » The viability of the disconnection
- » That Justice and equity require the territory to be disconnected from the municipality
- » That the proposed disconnection will not:
  1. Leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years
  2. Make it economically or practically unfeasible for the municipality to continue to function as a municipality
  3. Leave or create one or more islands or peninsulas of unincorporated territory
- » that the County is capable, in a cost-effective manner and without materially increasing the county's costs of providing municipal services, of providing to the area the services that the municipality will no longer provide to the area due to the disconnection.

# MUNICIPAL DISCONNECTION

A disconnection is essentially the reverse of an annexation, wherein property within a city disconnects from the municipality and is returned to unincorporated county. The process for a Disconnection is illustrated below:



The process for Municipal Disconnection is detailed in Title 10 Chapter 2 Part 5 of the Utah State Code

<https://le.utah.gov/xcode/Title10/Chapter2/10-2-P5.html>

# RESOURCES



UTAH CODE TITLE 10 CHAPTER 2  
PARTS 4&5

[https://le.utah.gov/xcode/Title10/  
Chapter2/10-2.html](https://le.utah.gov/xcode/Title10/Chapter2/10-2.html)

CACHE COUNTYWIDE PLANNING AND  
DEVELOPMENT OFFICE WEBSITE,  
INFORMATION /FAQ'S

[https://www.cache县.org/cpdo/  
education/info-faqs.html](https://www.cache县.org/cpdo/education/info-faqs.html)

UTAH MUNICIPAL CLERKS  
ASSOCIATION RECORDS HANDBOOK  
CHAPTER 8

<https://umca.org/documents/>