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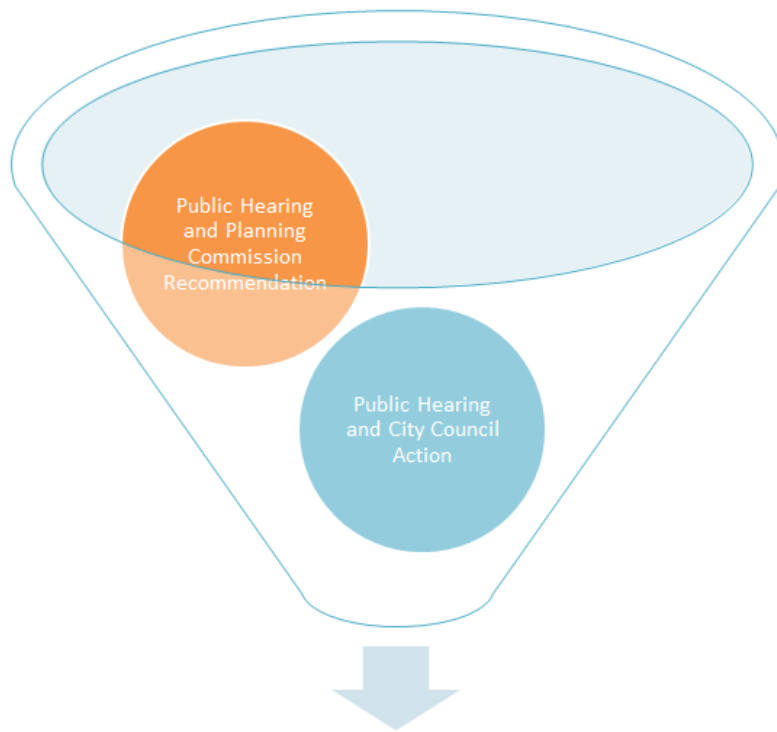
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Resources

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.



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

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 Municipality's 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)



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)

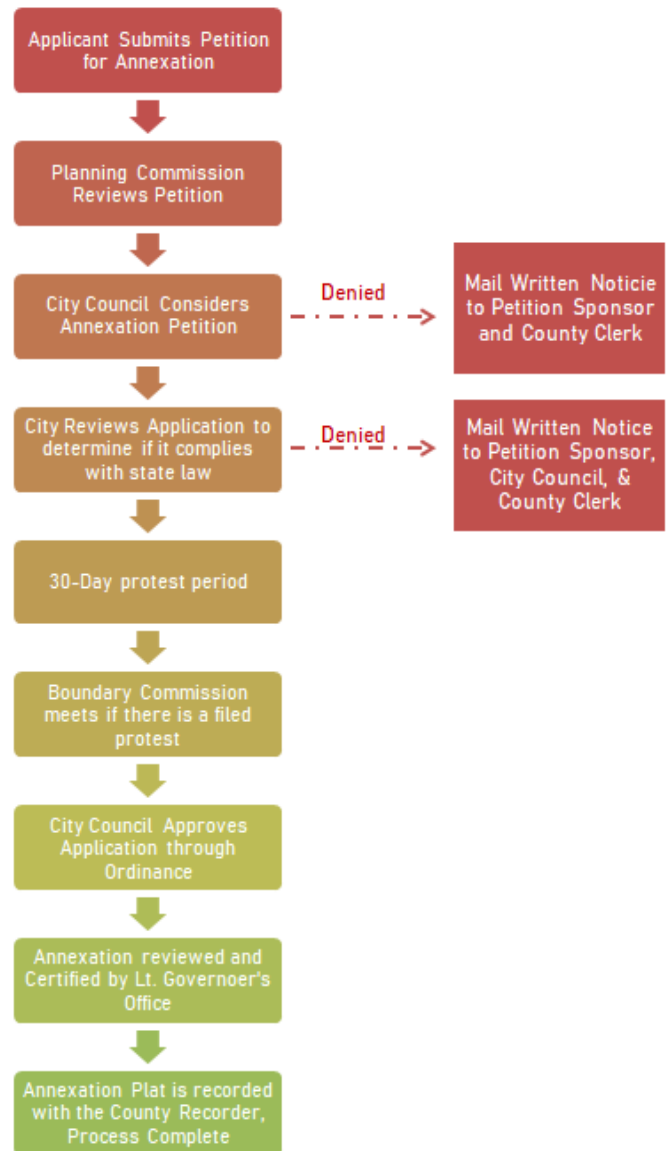
Planning Commission: Holds public hearing, makes a recommendation to City Council. (Advisory body)

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

- ☐ Step 1: Submit Petition
- ☐ Step 3: File Petition

Municipal Staff

- ☐ Step 2: Confirm Petition is Complete
- ☐ Step 6: Review for compliance with State Code
- ☐ 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 12: Annexation Plat is recorded with the County Recorder, Process Complete

Planning Commission

- ☐ Step 4: Make a recommendation on Petition*

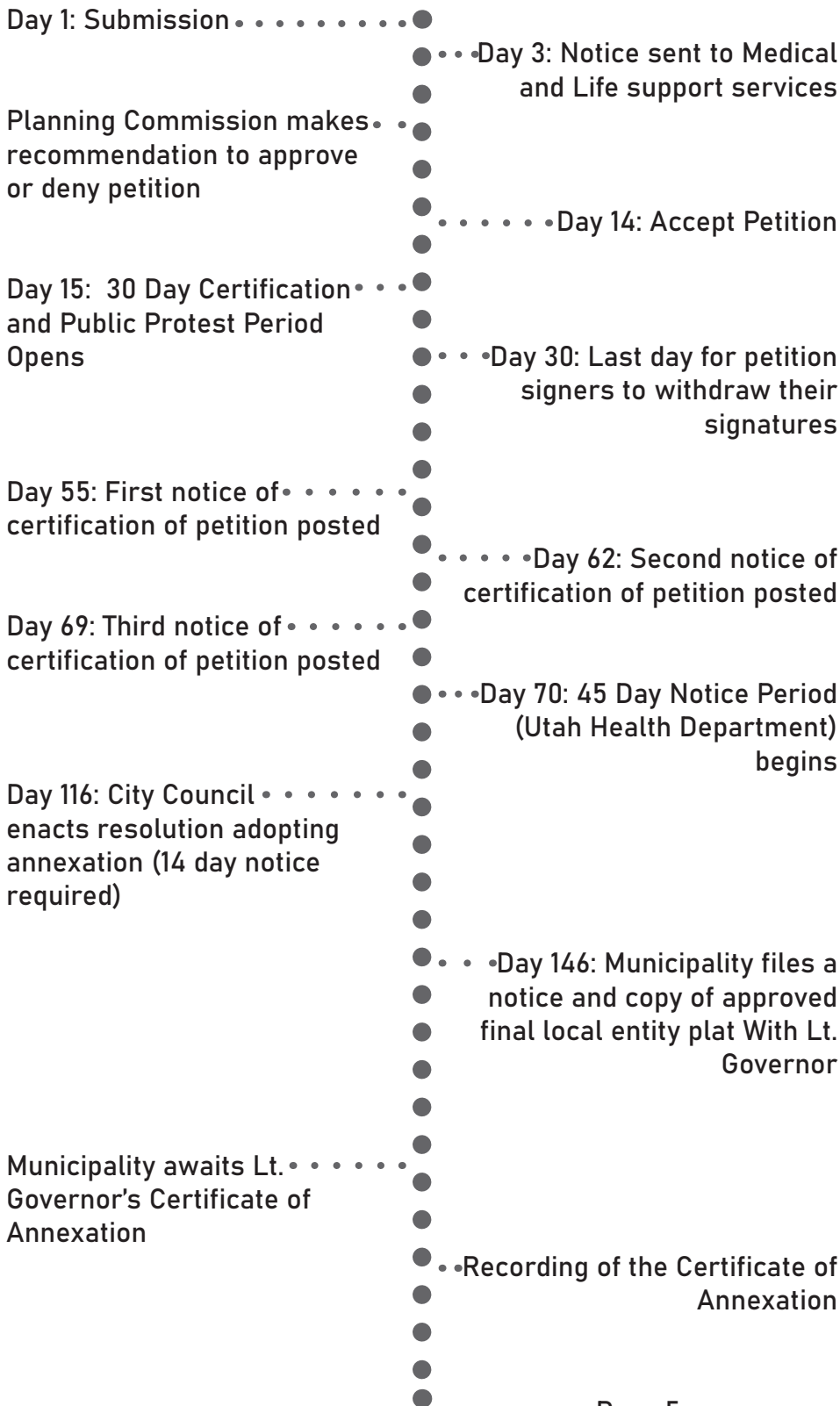
City Council

- ☐ Step 5: Accept or Deny Petition*
- ☐ Step 8: Provide notice of Annexation Petition and Certification
- ☐ Step 10: Consider Annexation and approve through Ordinance

Boundary Commission

- ☐ Step 9: Consider Protests**
- * Approve, Approve with modification, or Deny
- ** Approve, Approve with modification, or Deny

ANNEXATION TIMELINE



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.

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.

- ☐ 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
 - » Signitures 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

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 CIRCILING 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: |
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| 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

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

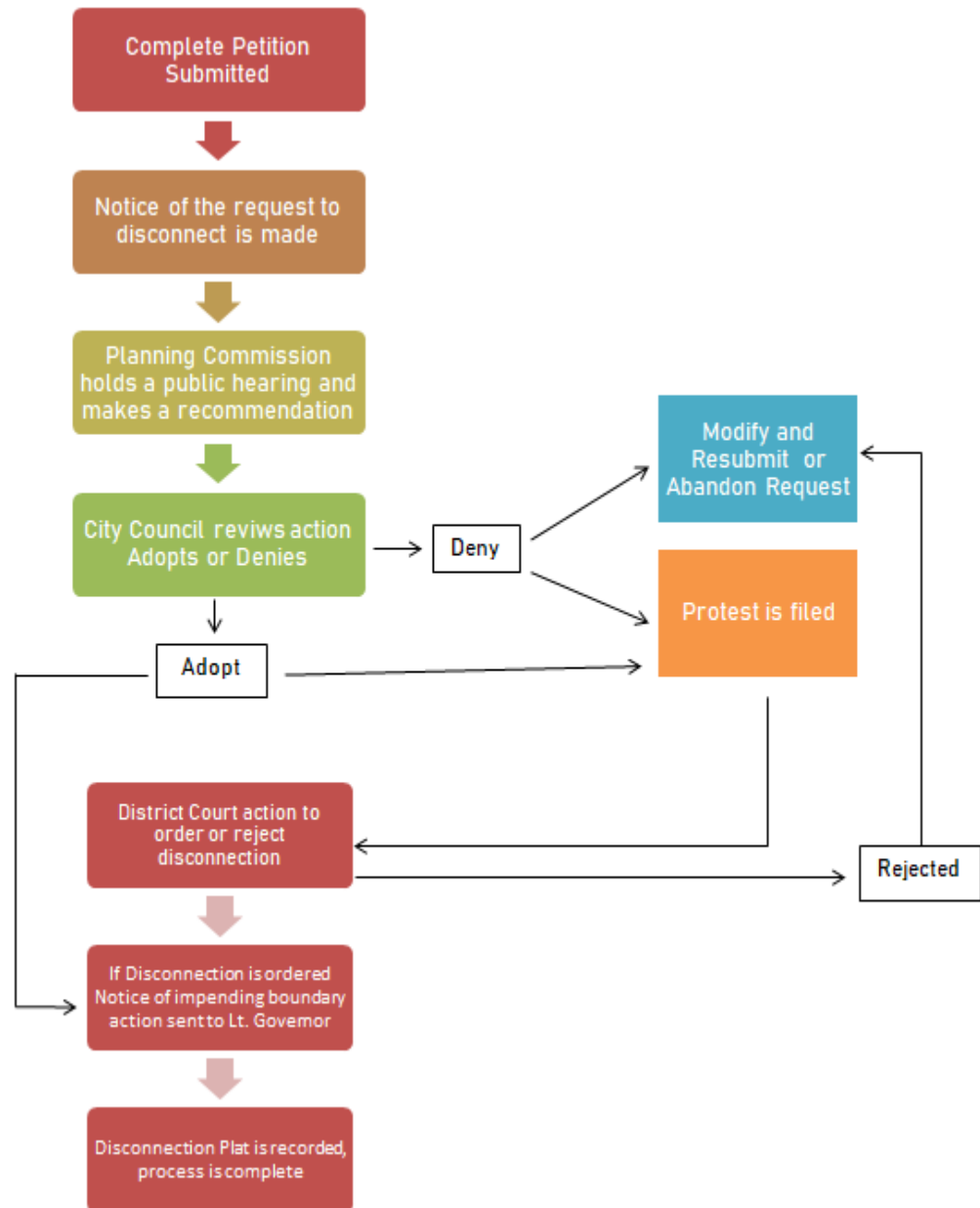
BURDEN OF PROOF

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.cachecounty.org/cpdo/
education/info-faqs.html](https://www.cachecounty.org/cpdo/education/info-faqs.html)

UTAH MUNICIPAL CLERKS
ASSOCIATION RECORDES HANDBOOK
CHAPTER 8

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