



## ***ANNEXATION POLICY***

### **Purpose:**

The annexation requirements specified in this chapter are intended to protect the general interest and character of the community; assure orderly growth and development of Annabella Town in terms of utilities and public services; preserve farmland; ensure environmental quality; protect 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 Utah State Law.

In accordance with the provisions of 10-2-400, Utah Code Annotated, the Town of Annabella hereby adopts the following criteria for consideration of possible future annexations. This annexation policy declaration is intended to incorporate all of the criteria required and suggested by Section 10-2-400 et seq., Utah Code Annotated.

It is the intent of this ordinance to ensure that property annexed to the Town will contribute to the community image.

### **A. General Annexation Criteria**

Annabella Town has established the following conditions which must be met prior to completion of the annexation, unless the Town Council finds that the circumstances of an annexation are such that a condition or conditions do not apply. The 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.

1. As part of its ongoing effort to plan and prepare for responsible growth, Annabella Town has identified territory adjacent to its present town boundaries that could at some time in the future be part of Annabella Town. The area that is proposed for future annexation is not bordered by any other municipality. Areas to be annexed must fall within the areas designed for future annexation in the Annexation Policy Plan of Annabella Town and be shown on the attached expansion area map. Although property proposed for annexation is located within the annexation expansion area, there is no guarantee that the annexation request will be approved by Annabella Town.
2. The character of the community is mixed residential and agricultural. Areas to be annexed should be compatible with this character
3. Areas to be annexed must be contiguous to the corporate limits of Annabella Town at the time of submission of an annexation request.

4. Every annexation shall include the greatest amount of property possible that is a contiguous area and that is contiguous to the Town's municipal boundaries.
5. Islands shall not be left or created as a result of the annexation and peninsulas and irregular boundaries shall be avoided.
6. Piecemeal annexation of individual small properties shall be discouraged if larger contiguous parcels are available for annexation within a reasonable time frame in order to avoid repetitious annexations.
7. The Town does not favor the annexation of areas for which it does not have the capability to provide municipal services
8. Before considering requests for annexation, the Town shall carefully analyze the impacts of annexation of an area, taking into consideration whether the area will create negative impacts on the Town and considering whether the Town can economically provide services to the annexed area. Community issues such as location and adequacy of schools and community traffic, fire protection, usable open space and recreation areas, protection and preservation of historic resources, a balance of housing types and ownership, and adequate water and sewer capacity to serve the future needs of the proposed annexation area shall also be considered.

**B. Property Owner Initiation of Annexation**

The following steps reflect a general summary of the requirements and procedures for processing an annexation request in Annabella Town:

1. An annexation petition must be submitted to the Town Clerk. Said petition shall:
  - a) Include an accurate certified survey plat of the property to be annexed, prepared by a surveyor licensed to practice in Utah, accurately describing the existing Town boundaries and each individual ownership sought to be annexed, including an accurate legal description of the property to be annexed
  - b) be signed by a majority of the property owners of record in the area to be annexed. Property owners shall represent at least 1/3 of the assessed valuation of the aggregate properties to be annexed, as reflected on the last assessment roles.
  - c) represent an area contiguous to the existing corporate limits of Annabella Town (no islands or peninsulas),
  - d) include a section agreeing to dedicate water to Annabella Town (proof of water rights must accompany petition)
  - e) Designate up to 5 of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor. Each sponsor's mailing address shall be indicated.

C. Procedure for Accepting Petition and Annexation Plats

1. The Town Clerk, upon receipt of a properly prepared annexation petition, accompanied by the proper plat, shall impose fees to recover the costs of processing said petition, as have been established by the Town Council. At the same time the Town Clerk shall place the petition on the agenda for consideration at the regularly scheduled Planning Commission meeting.
2. The Planning Commission will review the proposed annexation at their meeting. Once reviewed, the Planning Commission will forward their comments and recommendation to the Town Council.
3. The Town Council, upon receipt of the recommendation of the Planning Commission, shall take action as necessary to either accept or deny the petition.
4. If the petition is accepted, the Town Clerk shall certify that it meets the annexation requirements and will send the required notices, including a written notice of certification to the Town Council. If denied, the Town Clerk shall send the required notices.
5. The Town Council, within 10 days after the receipt of the Clerk's Notice of Certification, shall publish a notice of the proposed annexation in the local newspaper at least once a week for three (3) consecutive weeks. Within 20 days after the receipt of the Town Clerk's Notice of Certification, the Council must mail written notice of the proposed annexation to each affected entity as defined by state law. The notice shall explain how a written protest is to be filed within 30 days after the date of the Council's receipt of the certification notice.
  - (a) If no protest is filed during the designated protest period, the Town Council may hold a public hearing (after a minimum 7-day notice) and consider an ordinance to grant the proposed annexation. After closure of the public hearing, the Town Council may either grant or deny the annexation petition. If the Town Council grants the annexation petition, it shall assign a zone to the annexed territory at the time the territory is annexed.
  - (b) If a protest is filed, the County Boundary Commission shall hold a hearing on the protest within 30 days. The Council may deny the proposed annexation at its next regularly scheduled meeting. Required notices will be sent if the petition is denied.
7. Within thirty (30) days after enacting an ordinance annexing an unincorporated area or adjusting a boundary, the Town shall:
  - (a) 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 Town, showing the new boundaries of the affected area.
  - (b) File with the Lieutenant Governor of the State of Utah the amended articles of incorporation reflecting the annexation or boundary adjustment.

D. Extension of Needed Municipal Services in Developed and Developing Unincorporated Areas and Payment of the Same

1. In areas where municipal services are not presently extended, or may be undersized to adequately serve additional connections, services will be extended or improved on an as-needed basis at the cost of the developer. All extensions of municipal services must comply with all ordinance and policy criteria and will be paid for by the individual developer or property owner.
2. An annexation agreement will be prepared between the Town and future developers outlining specific circumstances relating to water, power, streets and other specific improvements prior to annexation approval. Said agreement shall be recorded with the annexation plat at the Sevier County recorder's office.
3. Water rights, of the type and quantity acceptable to Annabella Town shall be required to be conveyed to Annabella Town as a condition of annexation, development, subdivision approval, or issuance of a building permit on property annexed into Annabella Town limits. It is the intent that land annexed to Annabella Town be accompanied by water rights sufficient to accommodate the needs of the existing and potential occupants of said land when development occurs. The water rights conveyance requirement of development shall be in addition to any requirement that may be imposed upon development of the land after annexation and in addition to appropriate Annabella Town culinary water impact fees.

Annexation will require underground water rights transferred to Annabella Town as outlined in Ordinance 2020-01.

The annexation will allow developers of the annexed property access to services provided by Annabella Town, provided all developments meet Town specifications and complies with all applicable development ordinances and all improvements are installed pursuant to Annabella Town standards.

The manner in which these amenities are developed will have a bearing on how they will be financed. Property taxes with increased valuation of property and sales tax will contribute to the general fund to help defray the added expenses the Town may incur by annexing these properties. In summary, the newly annexed developing areas shall finance the extension of needed municipal services, such as new utilities, streets, curb and cutter, sidewalks and other capital improvements as development occurs.

It is anticipated that the residents in the territory to be annexed will experience an increase in their property tax because of the difference in the certified tax rates in Sevier County and Annabella Town. It is further anticipated that as newly annexed territory property taxes are received by the Town, the Town will increase the total level of services within the total community. Additionally, persons in the newly annexed territory should experience reductions in their fire insurance rates and property insurance rates.