

TITLE 4. ANNEXATION*

- Chapter 1. Repealed
- Chapter 2. Repealed
- Chapter 3. Annexation Policy Plan
- Chapter 4. Criteria to Guide Annexation Decisions
- Chapter 5. General Requirements for Annexation

Chapter 1. Repealed

Chapter 2. Repealed

Chapter 3. Annexation Policy Plan

- 4-3-1 Adoption
- 4-3-2 Office of Primary Responsibility
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4-3-1 Adoption. The Annexation Policy Plan (herein referred to as “the Plan”) was adopted by Resolution of the Clinton City Council, Resolution Number 15-03, dated April 22, 2003, as required by Section 10-2-401.5 of the Utah Code.

History: 11/09

4-3-2 Office of Primary Responsibility. The Community Development Department is the Office of Primary Responsibility for review and proposing changes to this Title and the Annexation Policy Plan. The Director may call on other departments for assistance in reviewing this Chapter.

4-3-3 Purpose of the Plan. The Plan is established to be a guide for making decisions regarding the future annexation of unincorporated lands into the boundaries of the City of Clinton.

History: 11/09

4-3-4 Plan Preparation and Adoption. The Preparation of the Plan began on December 17, 2002, with a workshop of the Clinton City Planning Commission, City Council and City staff. At this workshop, participants assisted in determining the specific criteria necessary to guide the City’s decisions to grant future annexation petitions, as outlined in the Utah Code. A review of the first draft of the plan was held by the Planning Commission on January 21, 2003, after which the dates for two public hearings were scheduled.

History: 11/09

4-3-5 Public Hearings. The first public hearing was held by the Planning Commission on March 18, and was continued on April 1, 2003. The City Council held a public hearing on April 8, 2003, which, after following a few adjustments based upon public input, the plan was adopted April 22, 2003.

4-3-6 Availability of the Plan. Portions of the Plan are included in this Title. The Plan, in its entirety, may be viewed by contacting the Clinton City Community Development Department.

4-3-7 Definitions. The following definitions apply to this Title.

“City Facilities” means amenities that will be turned over to and become the property of the City along with the obligation for maintenance and upkeep. Such amenities include, but are not limited to, parks, trails, street lights, or buildings, etc.

History: 11/09

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Chapter 4. Criteria to Guide Annexation Decisions

- 4-4-1 Need for Municipal Services in Unincorporated Areas
- 4-4-2 Plan for Extension of Municipal Services
- 4-4-3 How the Services will be Financed
- 4-4-4 An Estimate of the Tax Consequences to Residents

4-4-1 Need for Municipal Services in Unincorporated Areas.

(1) The unincorporated areas to be considered for annexation into the City are located within Davis County. The expansion area is identified generally as being north and west of the current City boundaries, extending westward.

(2) The need for municipal services in this area would most likely hinge on accommodating development desiring to become a part of the City. Future needs for community growth will encompass a variety of land uses, including low to medium density residential, some commercial near the areas of the proposed Legacy Highway, and open space and wetlands.

History: 11/09, 12/09

4-4-2 Plan for Extension of Municipal Services.

(1) Community growth in the identified annexation area would require the extension of full municipal services. These services and infrastructure will be extended into areas on an as-needed basis. The Plan contains a review of the municipal services and their providers as well as the current status and their ability for extension. The Plan should be referred to whenever considering the affect of extending services to facilitate an annexation petition.

(2) Currently sewer services in the annexation area are handled through septic tank, which limits the potential for significant growth in the area. The development of the sewer lift station in the City has made it possible for some land west of the station to connect to the station. However, a complete evaluation of the capacity and capabilities of the station will be necessary.

(3) Concerns for drainage and flooding will also exist in the designated area for annexation. Natural and storm drainage channels and canals in the area will require extension. Ground water issues will need to be evaluated and may necessitate a ban on basement construction methods.

History: 11/09

4-4-3 How the Services will be Financed.

(1) Financing of infrastructure expansion will, for the most part, be paid by the developers of the properties requiring the expansion. Properties in the unincorporated Davis County area will be required to be annexed into the City in order to be connected to the municipal services.

(2) The City may elect to participate in the financing of some City facilities which will improve service to existing development. These costs will be met by various means. The City may chose to use general funds, impact fees, special improvement districts, bonding, grants or other financial means.

History: 11/09, 12/09

4-4-4 An Estimate of the Tax Consequences to Residents.

(1) Property taxes from residential properties generally do not cover the full costs of providing services to those residences. If all annexation areas are developed solely as residential, the annexation of these properties will result in an increase to the City's burden of paying for the services required by the development. To decrease the tax burden, areas near the proposed Legacy Highway corridor have been identified for potential commercial uses.

(2) The Plan has an example of comparison of tax rates for property within the City and property in the unincorporated portion of the County in the Plan area. A similar study, for both residential and commercial, would need to be accomplished at the time of application review to accurately evaluate the increase upon properties being annexed into the City.

History: 11/09

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Chapter 5. General Requirements for Annexation

- 4-5-1 Petitioners for Annexation - Compliance with State Law; Plats
- 4-5-2 Referral to City Planning Commission
- 4-5-3 Development Agreement
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- 4-5-5 Policy as to Property Subject to Annexation
- 4-5-6 Securing Land for Public Sites
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- 4-5-8 Securing of Water Rights in Annexed Area
- 4-5-9 Applicability of Zoning Regulations in Annexed Areas
- 4-5-10 Fees and Charges
- 4-5-11 Levels of Service and Improvement Standards
- 4-5-12 Assumption of Outstanding Obligations
- 4-5-13 Streets
- 4-5-14 Irrigation Ditches or Canals

4-5-1 Petitioners for Annexation - Compliance with State Law; Plats. All petitions for annexation to the City shall comply with the requirements of the laws of the State governing annexation and shall be accompanied by a map or plat drawn on mylar, or similar material approved by the City, to a scale and size suitable to be recorded at the County. No annexation is complete until the city approved plat and ordinance are recorded at the County Recorder's Office and other filings as required by State Code.

History: 9/84; 11/09

4-5-2 Referral to City Planning Commission. All petitions for annexation shall be referred to the City Planning Commission for study and recommendation.

History: 9/84

4-5-3 Development Agreement.

(1) The City Council, after recommendations from the Planning Commission, shall determine what questions and problems are presented by each petition for annexation and shall invite the petitioners to consult concerning the equitable solution thereof. The parties in good faith shall endeavor to enter into a written development agreement (Agreement) covering the solution to any questions and problems. The Agreement shall cover all points necessary to be considered in order to secure compliance with the annexation policies as set forth in this Title and the Plan.

History: 12/09

(2) This Agreement shall be considered a contract and shall be recorded against the land with the annexation plat and ordinance.

History: 9/84; 10/9; 11/09; 12/09

(3) The Agreement may contain any reasonable provisions relating to the installation of municipal utility service lines, City facilities and furnishing of municipal utility service.

History: 9/84; 10/9; 12/09

4-5-4 Bonds of Petitioners. Before an annexation ordinance is passed by the City, the petitioners seeking annexation shall execute and deposit with the City all bonds and escrows outlined in the Agreements to adequately insure the performance of commitments contained in the Agreement, the provisions of the ordinance, and any other requirements that the Council deems necessary.

History: 9/84; 12/09

4-5-5 Policy as to Property Subject to Annexation.

(1) The general policy of the City with respect to property subject to annexation is hereby declared as follows:

History: 12/09

(a) To annex contiguous territory for reasons deemed to be in the interest of the City and not otherwise.

(b) To annex enclaves.

(c) To annex territory only if no enclave will be created thereby.

(d) To annex territory if the City determines it is feasible to serve the area with utilities and other municipal services within a reasonable time.

History: 9/84

(2) The Plan emphasizes procedures and policies to consider during evaluation of an annexation petition. The Plan shall be reviewed when evaluating a petition.

History: 11/09; 12/09

4-5-6 Securing Land for Public Sites.

(1) The City shall not require the donation of land for public sites unless the sites are specific to a development proposal and utility that the City will be expected to maintain.

History: 9/84; 11/09

(2) The City shall be granted the option to secure land for public sites, as it may determine, which

option may be exercised between the time of annexation and acceptance of any subdivision plat. The City shall acquire these sites at their fair unimproved value as of the time of annexation and as determined by competent appraisal in the event mutual agreement cannot be reached. If the property is to be appraised, each party shall appoint a disinterested appraiser and they in turn shall choose a disinterested third party. The decision of a majority shall be binding. The cost thereof shall be borne equally. The City shall be responsible for the cost of any off-site improvements associated with the sites.

History: 9/84, 11/09; 12/09

(3) A similar option shall be granted to the appropriate school district with respect to public school sites, the terms thereof to be agreed upon between the annexing parties and the school district. Sale of these lands to a school district does not exempt the lands from the requirements of § 4-5-8 below.

History: 9/84; 10/9

4-5-7 Public Utility and Drainage Easements.

Public utility and drainage easements, or the fee title, as determined by the City, shall be donated for utilities and drainage with there locations to be determined by the City.

History: 9/84; 11/09,12/09

4-5-8 Securing of Water Rights for Annexed Area.

(1) The petitioner shall provide to the City adequate culinary water shares to service the intended uses of the annexation area. As an option, if the City has adequate water shares, the City may require the petitioner to reimburse the City for the water that the City has purchased.

History: 12/09

(2) The City has the option of requiring secondary water to be provided in the annexation area. If secondary water is to be provided in the annexation area the petitioner shall work with the Davis and Weber County Canal Company (DWCC) to provide the water as established in the Agreement between DWCC and the City.

History: 9/84, 11/09; 12/09

4-5-9 Applicability of Zoning Regulations in Annexed Areas.

(1) The zoning of areas to be annexed shall be governed and controlled at all times by the zoning regulations of the City.

History: 9/84

(2) Petitioners shall indicate on the application the zoning that is requested to be applied to the proposed area for annexation.

History: 12/09

(3) The zoning of property within the annexation area shall be determined during establishment of the Agreement and shall be designated by ordinance subsequent to the annexation ordinance.

(4) The zoning requested or being considered shall be announced in public notices required as part of the annexation process.

History: 11/09

4-5-10 Fees and Charges.

(1) There shall be paid to the City by the owners of land petitioning for annexation a fee as determined by the City Council, from time to time, and published in the Consolidated Fee Schedule. This fee shall cover the processing, engineering, and staffing of research by the City. An annexation application is not considered complete until this fee is paid.

(2) In addition to the processing fee outlined in § 4-5-10 above the Council may consider specific annexation capital fees associated with the following:

(a) The reasonably projected cost of providing utility service lines or City facilities to serve the lands within the area of the petition; and,

(b) The cost of City facilities, utilities and services already installed which would serve or be in a position to serve the area sought to be annexed.

(3) Payment of capital fees shall be made on or before five (5) years from the effective date of annexation in one (1) sum or in installments as the Council shall determine, and if in installments, the Council shall further determine the amounts and due dates of payments. Payment agreements are to be outlined in the Agreement.

(4) Upon application and showing of a hardship or other extenuating circumstance satisfactory to the Council, and if in the judgment of the Council it appears that its interest will not suffer substantially, the Council may, from time to time, extend the time of payment of all or any part of the capital fees. However, no extension for more than two (2) years shall be granted at any one (1) time. Further, no extension shall be granted at any time without a partial payment of the capital fees in an amount and at a time that the Council determines.

(5) In the event land annexed includes lands of owners who have not joined in the petition for annexation, and who have not agreed to pay or execute a contract agreeing to pay the sums specified in § (1) above the City Council may establish impact fees as a prerequisite to the issuance of a building permit or allowing connection to municipal utilities. The impact fee shall be reasonable and proportional to the monetary equivalent of the amount payable by the petitioners for the services provided.

(6) No capital or impact fees shall be payable in respect to the annexation of lands dedicated to the City as established in § 4-5-6 or 4-5-8 above.

(7) The agreement shall provide for the responsibility of extending services to or into the annexation area along with any issues related to timing, payment, reimbursement, or financing.

History: 9/84, 11/09; 12/09

4-5-11 Levels of Service and Improvement Standards.

(1) It is expected that development of utilities and City facilities within the annexed area shall be equivalent to or to a higher standard than the level of service currently established within the City. Any deviations from the existing level of service shall be approved by the City.

(2) All improvements shall, as a minimum, meet the standards established by the City. In the event that a standard is needed that the City does not have, shall be based upon sound engineering practices and approved by the City.

History: 11/09

4-5-12 Assumption of Outstanding Obligations.

(1) Outstanding bonded obligations involving special service districts, schools, etc., shall be paid by the annexing parties or assumed under mutually satisfactory agreements between and among the holders of the bonds and the petitioners.

History: 12/09

(2) All taxes, property or otherwise and green belt roll back taxes shall be the responsibility of the petitioners and shall be up to date prior to the recording of the annexation plat.

History: 9/84; 10/9

4-5-13 Streets.

(1) In areas traversed or to be traversed by major streets, as established in the Clinton City Transportation Master Plan, the rights-of-way, as required by the City, shall be provided. Consideration of improvement of major streets shall be included in the Agreement.

History: 12/09

(2) Existing streets and roads shall be improved to meet the existing City standard. Timing of these improvements shall be included in the Agreement.

History: 9/84; 10/9

4-5-14 Irrigation Ditches or Canals. In areas traversed by existing irrigation ditches or canals, the petitioners, so far as is practicable, shall cover or enclose these ditches in a manner that is approved by both the ditch company and the City.

History: 9/84, 11/09; 12/09

**Cross-reference: UCA §10-2-401 to §428*

