

Chapter 12.12

Annexation

- 12.12.1 Purpose and Intent
- 12.12.2 Consistency with General Plan
- 12.12.3 Application Procedure
- 12.12.4 Acceptance or Denial of Annexation Petition
- 12.12.5 Approval Process for Accepted Petitions
- 12.12.6 Notification Requirements for Accepted Petitions
- 12.12.7 Recordation of Annexation
- 12.12.8 General Annexation Guidelines
- 12.12.9 Financial Review
- 12.12.10 Water Requirements for Annexations
- 12.12.11 Zoning Designation
- 12.12.12 Staff Report and Recommendation
- 12.12.13 Annexation Agreement
- 12.12.14 Appeals and Other Costs of Annexation
- 12.12.15 Review Fees

12.12.1 Purpose and Intent

The purpose of this Section is to provide a process for extension of the City corporate limits through annexation. The process will allow the City Council, staff and citizens of the community to carefully consider the affect of any proposed annexation and provide a method to mitigate potential negative impacts.

It is the intent of this ordinance to conduct annexation proceedings in accordance with Utah State law and in particular § 10-2-401, et seq., of the Utah Code, and any other applicable federal, state, or local laws governing municipal extension. If there is any conflict between this Chapter and the provisions of the Utah Code, the provisions of the Utah Code shall dictate. When amendments are made to the Utah Code they shall cause like amendments to this Chapter. The requirements of this Chapter are supplementary and in addition to those found in the Utah Code.

Annexations are legislative matters and applicants should be aware that the City is not required to accept any petition for annexation, regardless of location, even if the proponent of an annexation is prepared to comply with all provisions required for annexation. The proponent of an annexation is not eligible for any refund of the fees required by the City if the petition is denied. If a petition for annexation is denied by the City Council, the proponent of the annexation shall be required to submit a new application and pay all associated fees in order to have the petition reviewed again by the City Council and staff.

Once an applicant has completed the requirements of this Chapter and has received final approval from the City Council, the staff shall prepare an annexation agreement that will describe the annexation in detail. Once the Mayor and applicant have signed the annexation agreement and annexation plat, and the agreement and plat have been recorded in the office of the County Recorder, the annexation shall be considered complete. The annexation agreement runs in perpetuity with the area being annexed and all future owners of the land are subject to the agreement. Any violation of the agreement may result in disconnection from the City, denial of development applications, or appropriate legal action.

1. For the purposes of this Section, the proponent, petitioner, applicant, or developer shall be defined as those persons who have signed the annexation petition in favor of annexing their real property into Bluffdale City. Reference to the singular shall include plural when appropriate.

12.12.2 Consistency with General Plan

All annexations shall be consistent with the Bluffdale City General Plan. If the proponent of an annexation proposes an annexation that is inconsistent with the General Plan, the proponent shall also submit an application for an amendment to the General Plan that would allow the proposed annexation to be consistent. The applicant will be

required to pay all fees associated with a General Plan amendment in addition to the fees required for review of the proposed annexation.

The process for a General Plan amendment may be completed concurrently with review of the proposed annexation provided that the requirements for each process are completely satisfied. Public hearings on annexations and General Plan amendments shall be held separately with the General Plan amendment public hearing occurring prior to the hearing on the proposed annexation.

Consistency with the General Plan includes all elements of the plan including, but not limited to the Land Use Element, Trails Element, Open Space Element, and any other elements adopted as part of the General Plan.

12.12.3 Application Procedure

The proponent for annexation shall make application on a form provided by the City and pay all applicable fees prior to any review by staff, the Planning Commission or the City Council. The application shall include, at a minimum, the following information:

2. An ownership plat map from Salt Lake County showing all property owners in the City within one thousand (1000) feet of the proposed annexation and ½ mile of the annexation in the unincorporated area of the County. If the petition is accepted for further review, the applicant shall provide pre-addressed stamped envelopes with the names of all property owners in the City within one thousand (1000) feet of the proposed annexation and property owners within one half (½) mile of the annexation in the unincorporated area of the County.
2. Signatures from the owners of real property located in the area proposed for annexation that covers a majority of the private land and is equal in value to at least one third (1/3) of the value of all private property, as shown by the latest tax assessment rolls of Salt Lake County, in the proposed annexation.
3. An accurate map prepared by a licensed surveyor of the area proposed for annexation suitable for recordation in the office of the County Recorder.
4. Documentation for provision of adequate water, public rights-of-way, streets, and other dedications required by this Section or other federal, state, or local laws or ordinances.
5. An agreement to observe and obey all applicable laws, ordinances, and resolutions recognized by Bluffdale City.
6. The applicant shall indicate the proposed zoning designation of the area to be annexed.

12.12.4 Acceptance or Denial of Annexation Petition

Once an applicant has completed the application procedure in accordance with Section 12.12.3, the application will be reviewed by the Planning Commission and City Council. The review of the annexation petition shall be completed in the following manner.

1. The Planning Commission shall review the annexation petition to determine if the applicant has satisfied the requirements of Section 12.12.3 and to ensure that all review fees have been paid. The Planning Commission shall also determine whether the proposed application is consistent with the General Plan and review the proposed zoning designation. Following the review of the application, the Planning Commission will forward a recommendation to the City Council indicating items that need to be completed prior to acceptance of the petition for further review by the staff.
2. The City Council shall review the recommendation of the Planning Commission, along with the application for annexation and any other relevant information. The City Council shall determine if the application satisfies the requirements of Section 12.12.3 and ensure that all review fees have been paid. The City Council shall also determine whether the proposed application is consistent with the Bluffdale City General Plan. Following the review of the application, the City Council shall accept the annexation petition for further review, accept the petition for further review based on the satisfaction of certain conditions, remand the petition back to the Planning Commission for further review, or deny the petition for annexation.
3. Acceptance of the annexation petition is only an action to further study the proposed annexation. The City Council is under no obligation to annex the area following a staff analysis of the proposed annexation. If the petition is accepted for further review, the applicant is eligible to satisfy the requirements of this Chapter in

order to complete the annexation process. At any point in the approval process the City Council may deny the petition for annexation by notifying the applicant in writing.

If accepted for further review, the application will be reviewed by the staff who will generate a list of items needed to complete the review of the proposed annexation. Staff will inform the applicant of the items needed to complete the review within thirty (30) days of the City Council action to accept the petition for further review. An applicant may appeal, to the City Council, the need for particular information at a regular meeting of the City Council.

Once the staff has received all of the information requested, the staff shall prepare a recommendation to present to the City Council within forty-five (45) days. Staff shall not begin review of the annexation until all of the information requested has been received. Staff shall prepare a recommendation based on the requirements of this Chapter and any other information that would mitigate negative impacts of the annexation.

4. Denial of a petition for annexation will have the affect of ending any further review of the proposed annexation. In order to have the land annexed into the City, the applicant will need to re-submit the proposed annexation as a new petition and satisfy each of the requirement of this Chapter including the payment of all review fees.

Annexation is a municipal legislative decision. If the City Council takes action to deny a petition for annexation, there will be no appeal process.

12.12.5 Approval Process for Accepted Petitions

After the City Council has accepted an annexation petition for further review and the staff has prepared a recommendation (within forty five (45) days of receiving all of the required information), the City Recorder shall schedule a public hearing before the City Council.

The City Recorder shall schedule a public hearing before the City Council with at least fourteen (14) days notice. The notice requirements of Section 12.12.6 herein shall be satisfied prior to holding the public hearing. The City Council shall review the recommendation of the staff, allow the applicant to make a presentation or respond to the staff recommendation, and shall receive public input concerning the annexation. Following the public hearing, the City Council may approve the proposed annexation, approve the proposed annexation along with the recommendation of the staff, approve the proposed annexation based on the satisfaction of certain conditions, or deny the proposed annexation. The City Council will base their decision on the information contained in this Chapter, specifically Sections 12.12.06 through 12.12.14 and the annexation agreement between the City and the applicant.

12.12.6 Notification Requirements for Accepted Petitions

The City, at the expense of the applicant, shall provide notice, in accordance with state law specifically § 10-2-406 of the Utah Code, prior to the public hearing on the proposed annexation. The notice shall appear in a newspaper having general circulation in Bluffdale City prior to the hearing and the notice shall be posted at the City Center.

Courtesy notice shall be mailed to property owners in the City within one thousand (1000) feet of the proposed annexation and those owners in the unincorporated area located within ½ mile of the area to be annexed. The applicant shall provide pre-addressed stamped envelopes complete with the names of each property owner within one thousand (1000) feet as shown on the latest Salt Lake County tax assessment rolls.

The notice shall contain the place, time and date of the public hearing on the proposed annexation along with a general description of the area to be annexed. The notice shall state that public input will be accepted at the hearing and how to contact the City to obtain additional information.

12.12.7 Recordation of Annexation

If the proposed annexation is approved by the City Council, a copy of the plat of the proposed annexation and the annexation agreement shall be recorded in the office of the Salt Lake County Recorder. All recording fees shall be the responsibility of the proponent of the annexation.

12.12.8 General Annexation Guidelines

There are several annexation guidelines that applicants should be aware of prior to submission of a petition for annexation. Some of these guidelines are dictated by state statute and others are policy of Bluffdale City. In any instance, the following guidelines shall be reviewed upon submission of each annexation petition.

1. An annexation that would create, or have the affect of creating, an unincorporated island or peninsula will not be approved. An island shall be defined as an area of unincorporated land completely surrounded by land located in Bluffdale City. A peninsula shall be defined as an area surrounded on more than ½ of its boundary distance, but not completely, by the City.
2. Existing uses may or may not be allowed in the annexation process. Animal rights, agricultural uses, and other uses, if inappropriate may not be allowed following annexation.

12.12.9 Financial Review

Each applicant for annexation to the City will be required to enter into an annexation agreement with the City. The agreement will specify site specific requirements for each annexation which are appropriate as reviewed on a case by case basis. The following list includes several items that may be reviewed at the time of annexation. However, these are in no way intended to be the only items which will be reviewed at annexation and the City Council may include any conditions or requirements which, in their judgment, are necessary or desirous prior to approving the proposed annexation.

1. Each proponent of an annexation shall complete an analysis of the tax consequences to residents of the area proposed for annexation, current residents of Bluffdale City, and Salt Lake County. The analysis shall include sufficient information to determine the fiscal impact of the proposed annexation taking into consideration City service provision.
2. Each proponent of an annexation shall identify the anticipated demand on City provided facilities and services for the area to be annexed. These services include, but are not limited to, culinary water, irrigation, waste water, transportation facilities, drainage, emergency services provision, solid waste disposal, potential students and distances to public schools, and parks and recreation.
3. Each proponent of an annexation will need to provide information about the impact the annexation will have on the Capital Improvements Program (CIP). The information should indicate whether the proposed annexation will advance or inhibit the completion of the CIP. The proponent shall also indicate the proposed timing of capital improvements and how the services will be financed.

12.12.10 Water Requirements for Annexations

Each proponent of an annexation shall mitigate the water concerns prior to approval of the proposed annexation. The City Council reserves the right to evaluate any provision of water proposed for use by the City, and refuse to accept any arrangement, if it is determined that the quantity, quality or ability to use the water is in question.

1. Each proponent of an annexation will be required to provide adequate water for current and future use by Bluffdale City prior to recordation of the annexation. The amount of water shall be determined by zoning district. If future development on the land being annexed increases in density, through a zone change or amendment to City ordinance that would allow a higher density, the City shall require additional water prior to development approval. If a future applicant desires a zone change to a less intense zone, the City is under no obligation to refund the cost of providing water to the proponent of an annexation. The water required in each zone as directed in accordance the Water Ordinance.
2. When land is annexed without the consent of the owner, the proponent of the annexation shall be responsible to provide the water required in this Section. If a future applicant seeks a zone change that would allow a higher density, the applicant shall be

required to provide any additional required water shares.

3. The City Council may waive or modify the water requirement, dependent upon proposed usage, for any land owned by federal, state, county, or local municipal governments.

12.12.11 Zoning Designation

When land is annexed into the City it shall be given a zoning designation. In general, zoning should be consistent with surrounding zoning that would allow uses similar to those already in existence prior to the annexation. In all cases, zoning shall be consistent with the General Plan. Annexations may include more than one zoning district if appropriate. The City Council may assign zoning to the proposed annexation or accept the applicant's zoning proposal.

12.12.12 Staff Report and Recommendation

Upon receipt of all information required by this Chapter and any additional information requested by the staff or City Council, staff will complete a review of the proposed annexation and render a report to the City Council. The report will include the findings of the staff in regard to the accuracy of the information provided by the applicant, consistency with the General Plan and other City ordinances, and provide recommendations which would be beneficial in the formation of the annexation agreement between the City and applicant. Staff analysis would include a determination of how City services would be affected by the proposed annexation.

The staff shall also prepare the annexation agreement for review by the City Council. The City Council may request changes in the annexation agreement prior to the public hearing. If a change is proposed, the applicant will be contacted in regards to the proposed changes.

The staff report shall be available to the City Council, applicant, and general public at least fourteen (14) days prior to the public hearing on the proposed annexation.

12.12.13 Annexation Agreement

Prior to final approval of any annexation, the proponent of an annexation and the City shall enter into an annexation agreement specifying the terms and conditions of the annexation. Each annexation agreement will be based on a site specific basis and the elements of the agreement may, and probably will, differ on each annexation. Because each annexation agreement may differ, each annexation will be processed on a case by case basis with no precedent set by previous annexation agreements.

Each annexation agreement shall be signed by both the Mayor of Bluffdale City, upon ratification by the City Council, and the proponent of the annexation. By signing the annexation agreement, both parties are agreeing to uphold the provisions of the agreement as written. Amendments to the annexation agreement may be completed only if agreed to in writing by the City Council and the applicant.

Should the proponent of an annexation default on any provisions of the agreement, the City may pursue appropriate legal action to enforce the provisions of the agreement including revocation of the annexation and disconnection from the City.

The items listed below are issues that may be addressed in the annexation agreement, but is not necessarily a complete list of items that may be addressed by the City Council or staff.

1. Each annexation agreement shall include a description of the property complete with a legal description and amount of acreage which shall be depicted on a plat drawn to scale in a manner and on a medium that can be recorded in the office of the Salt Lake County Recorder.
2. Each annexation agreement shall include the designated zoning district and the proposed project density. The City Council may require actual density to be indicated in the annexation agreement as well as proposed development layout and proposed provision of services. The circulation pattern for the area and alignment of other City services will be indicated prior to the approval of the City Council. However, approval of an annexation shall not be considered development approval. Following annexation approval, each applicant shall be required to complete the development approval process.
3. Each annexation agreement will indicate areas proposed for trails, open space and recreation areas. The agreement will specify ownership of these areas and proposed maintenance arrangements. If the annexation area includes an area that requires unusual fire prevention measures as an open space area, the agreement will indicate specific measures that will be taken to minimize potential fire hazard.
4. Each annexation agreement shall indicate the provision of water in accordance with Section 12.12.10 of this Chapter.

5. The City Council may require proposed building pads to be shown on the annexation plat and indicated in the annexation agreement. The City Council may also require limits of disturbance plans to be indicated along water courses and bodies, steep slopes, wetlands, view sheds, and other environmentally sensitive areas.
6. The City Council may impose any other appropriate requirements in the annexation agreement that will mitigate potential impacts to the City.

12.12.14 Appeals and Other Costs of Annexation

The proponent of an annexation shall agree to pay any and all Bluffdale City costs related to the annexation proceedings including appeals, reimbursement, special studies, recordation, and other annexation related expenses. Because each annexation is different, the costs associated with each particular annexation may vary.

12.12.15 Review Fees

The proponent of an annexation shall pay an annexation review fee as set forth in the Bluffdale City Fee Schedule. Annexation review fees do not include other review fees including, but not limited to, development review fees, impact fees, building permit fees, and connection fees.