CITY OF SANTA CLARA
FOUNDED 1854

TO: Santa Clara City Planning Commission

FROM: Jim McNulty, Planning Manager

DATE: December 14, 2023

RE: Annexation Policy Plan (Public Meeting)

Under the State Annexation Statute, UCA 10-2-401.5, Santa Clara City intends to adopt an Annexation Policy Plan. The Annexation Policy Plan is intended to comply with the provisions of UCA 10-2-401.5(4) and incorporate all criteria required and suggested by Section 10-2-401.5(3). This public meeting is an opportunity for affected entities to examine the proposed Annexation Policy Plan and provide input on it. A list of the affected entities has been attached for review.

State Code Requirements:

Utah State Code, Section 10-2-401.5(2)(a) requires the Planning Commission to hold a public meeting to allow affected entities to examine the proposed annexation policy plan and provide input on it. It also requires the city to accept and consider any additional written comments from affected entities until 10 days after the public meeting under Subsection (2)(a)(ii). Additionally, before holding a public hearing required under Subsection (2)(a)(vi), make any modifications to the proposed annexation policy plan the Planning Commission considers appropriate, based on input provided at or within 10 days after the public meeting.

Recommendation:

City Staff recommends that the Planning Commission hold a public meeting and allow for the affected entities to provide input on the Annexation Policy Plan. City staff will then determine when this item will come back to the Planning Commission for a public hearing as per Section 10-2-401.5(2)(a)(vi) of State Code.

SANTA CLARA CITY ANNEXATION POLICY PLAN

Under the State Annexation Statute, UCA 10-2-401.5, which was amended by the Utah State Legislature in 2021, Santa Clara City hereby adopts the following Annexation Policy Plan. This Annexation Policy Plan is intended to comply with the provisions of UCA 10-2-401.5(4) and incorporate all criteria required and suggested by Section 10-2-401.5(3).

The Annexation Policy Plan is a guide to the orderly and well-planned annexation and development of lands contiguous to the city's boundaries. It may be modified from time to time to meet changing needs and to reflect the best interests of the community. An Annexation Policy Plan consists of the following elements:

1. General Annexation Criteria;
2. A Map of the Proposed Expansion Area;
3. Procedure for Submission of an Annexation Request;
4. Extension of needed Municipal Services in Developed and Developing Unincorporated Areas and Payment.

To qualify for annexation, a parcel of property must meet the annexation standards as established by Utah Code as well as standards established by Santa Clara City.

A. GENERAL ANNEXATION CRITERIA

1. As part of its ongoing effort to plan and prepare for quality growth, Santa Clara City has identified certain territory outside of and contiguous to its present boundaries (see Appendix A) which could, at some future time, reasonably be considered for annexation into the City. The areas proposed for possible future annexation include areas that in some instances are bordered by other municipalities.
2. Areas to be annexed must be contiguous to Santa Clara City.
3. The property must be within the area projected for expansion under the Santa Clara City annexation declaration area (see Appendix A).
4. The property cannot be included within the boundaries of another incorporated municipality except as provided by law.
5. If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:
    a. along the boundaries of existing districts for sewer, water, power; along the boundaries of school districts, and along boundaries of other taxing entities.
    b. to eliminate islands and peninsulas of territory that are not receiving municipal services.
    c. to facilitate the consolidation of overlapping functions of local government.
    d. to promote the efficient delivery of services.
    e. to encourage the equitable distribution of community resources and obligations.
6. Santa Clara City has a rural agricultural history with a mix of land uses provided in the city. The City is growing in population and the demand for both residential and commercial uses of land is high. The City encourages commercial uses that will benefit

its growing population. Areas to be annexed should be compatible with the needs of Santa Clara City.

7. Santa Clara City is concerned about the interests of all affected entities and has considered written comments from affected entities in finalizing this plan. The City is in support of property within the expansion area being developed so utility and transportation systems can be incorporated into a comprehensive plan for the area. Wherever practical, new City boundaries should conform to the boundaries of existing districts for sewer, water, power, along the boundaries of school districts, and along the boundaries of other taxing entities.
8. Santa Clara City shall not favor the annexation of areas for which it does not have the capability or the intention of providing municipal services, except for utility services that are not provided by the City but are provided by other entities in the areas to be annexed.
9. It is not Santa Clara City's intent to annex property for the sole purpose of acquiring revenues.
10. This Annexation Policy Plan does not exclude from the expansion area any area containing urban development within one half (1/2) mile of the City's boundaries.

B. PROCEDURE FOR SUBMISSION OF AN ANNEXATION REQUEST

1. Except for annexations initiated by the City in accordance with the provisions of Section 10-2-401.5, Utah Code Annotated, all annexations shall be commenced by the filing of a petition and plat meeting the requirements of Section 10-2-403.
2. The petition and plat map shall be filed with the City Recorder and shall:
    a. File with the City Recorder a notice of intent to file a petition. Provide a copy of the notice sent to affected entities as required under Subsection (2)(a)(i)(B) and a list of the affected entities to which the notice was sent.
    b. Contain the signatures of, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owners of all publicly owned real property, or the owners of private real property that is located within the area proposed for annexation.
    c. Be equal in value to at least one third (1/3) of the value of all private real property within the proposed area for annexation.
    d. Represent an area contiguous to the existing corporate limits of Santa Clara City and shown to be within the areas designated for annexation in the Santa Clara City Annexation Policy Plan.
    e. Have an accurate and recordable plat map, prepared by a surveyor licensed in the State of Utah.
    f. Contain on each signature page a notice in bold and conspicuous terms that states substantially the following:
        - "Notice": There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.

- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your signature, you shall do so no later than 30 days.
  after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.

g. Designate up to five (5) of the signers of the petition as sponsors, one (1) of which shall be designated as the contact sponsor and indicate the mailing address of each sponsor.
h. Comply with any other applicable provisions of Section 10-2-403, Utah Code Annotated, not stated herein.

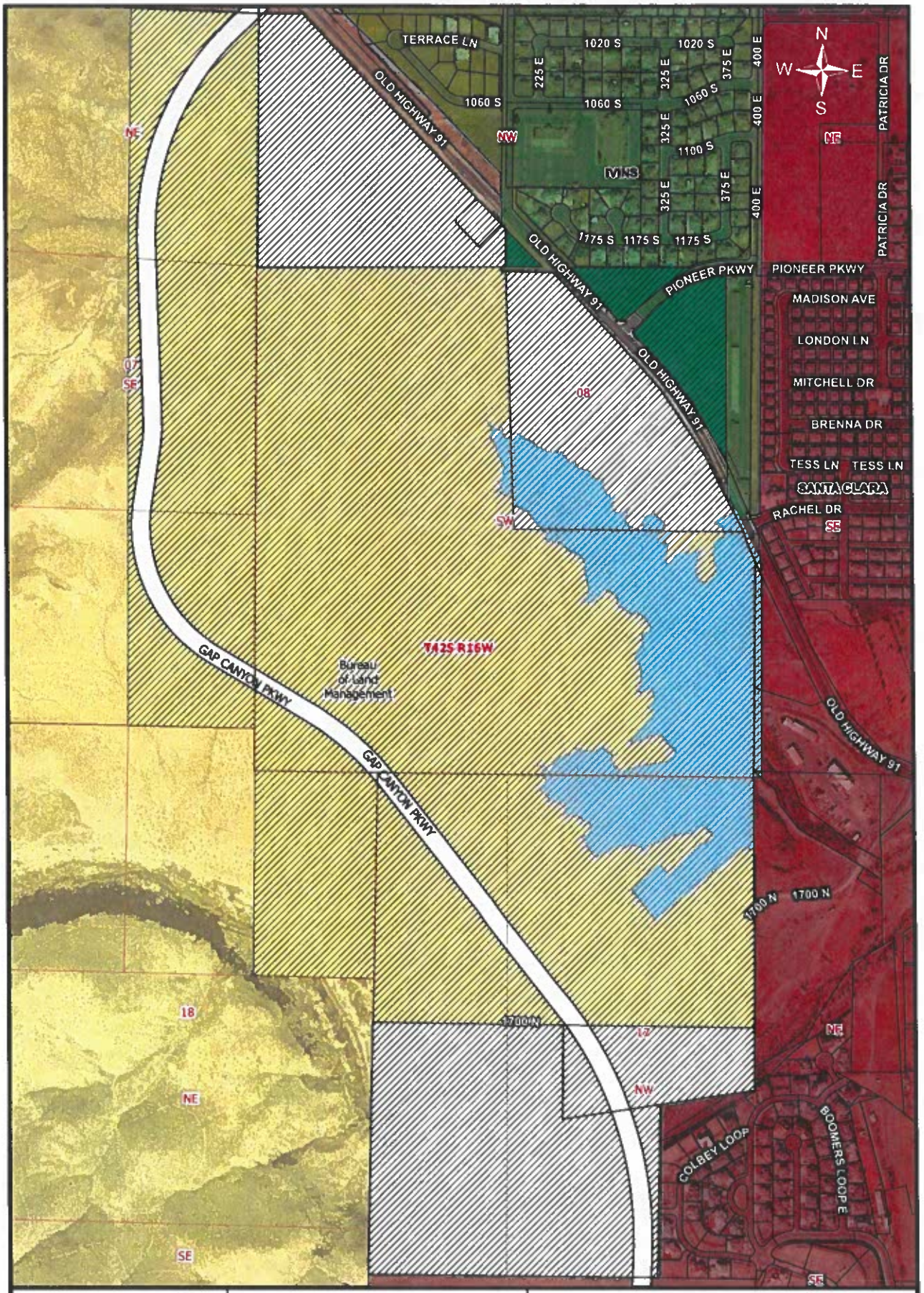
3. The City Recorder, upon receipt of a properly documented annexation petition accompanied by the proper plat, shall impose such fees as established by the City Council to recover the costs of
   processing such petition and shall place the petition on the agenda of a regular City Council meeting for consideration within fourteen (14) days of receipt of the petition, plat, and fees. The City Recorder shall also notify the petition sponsors at the time of petition receipt that they must deliver or mail a copy of the petition to the Washington County Clerk, on the same day it is filed with the City.
4. The City Council shall review the annexation petition and shall accept or deny the petition for further proceedings and consideration.
5. If accepted, the City Recorder shall, within thirty (30) days, certify that it meets the above requirements, or determine that the petition fails to meet the above requirements, and send the required notices of certification or rejection, including a written notice to the City Council. If denied, the City Recorder shall send the required notices within five (5) days of the denial.
6. Within ten (10) days after receipt of the City Recorder's notice of certification, the City shall cause to be published a notice of proposed annexation in a newspaper of local circulation at least once a week for three (3) consecutive weeks. Within twenty (20) days after receipt of the City Recorder's notice of certification, the City shall mail written notice of the proposed annexation to each affected entity as defined in State law. The notice shall explain how a written protest is to be filed within thirty (30) days after the date of the City Council's receipt of the City Recorder's certification notice (with the actual deadline date being stated).
7. If no protest is filed during the designated protest period, the City Council may hold a public hearing, after a minimum seven (7) day notice, and consider an ordinance approving the proposed annexation. If a protest is filed, the Washington County Boundary Commission shall hold a public hearing on the protest within thirty (30) days. If a protest is pending, the city Council may deny the proposed annexation at its next regularly scheduled meeting. Required notices will be sent if the petition is denied, within five (5) days of the denial.

8. Upon receipt of the Washington County Boundary Commission's decision if a protest public hearing is held, and subject to their decision, the City Council may approve or deny the proposed annexation.
9. If the City Council approves the proposed annexation by ordinance, the City shall comply with the filing and notice requirements outlined in Section 10-2-425, Utah Code Annotated, within thirty (30) days of annexing the unincorporated area.

C. EXTENSION OF NEEDED MUNICIPAL SERVICES IN DEVELOPED AND DEVELOPING UNINCORPORATED AREAS AND PAYMENT

1. In areas where municipal services are not presently extended, services will be extended on an as-needed basis at the developer's expense. All extensions of municipal services shall comply with all City ordinances and policy criteria.
2. An Annexation Agreement may be prepared between the City and future developers outlining specific requirements relating to culinary water, secondary water, wastewater, storm water drainage, transportation, electricity, and other specific improvements prior to the annexation approval.
3. An approved Annexation Petition will allow developers of the annexed property to connect to City Facilities, provided that all infrastructure proposed to be connected meets City standards and specifications and complies with all applicable development and land use ordinances.
4. The way the infrastructure additions are developed will have a bearing on how they are financed. The increased valuation of property and the subsequent increase in property and sales tax revenues will help increase contributions to the City's general fund. This increase will help defray the added cost of providing services to the annexed area.
5. In general, the costs and expenses of capital improvements, such as utilities, streets, curbs, gutters, sidewalks, storm drain systems, and other improvements deemed necessary in the annexed area, shall be borne by the developer as development within the area occurs.
6. When the annexation is approved, the newly annexed area shall receive the following services:
    a. Fire Protection;
    b. Police Protection;
    c. Building & Safety;
    d. Planning & Zoning;
    e. Utilities provided by the City at the time of annexation;
    f. Maintenance of dedicated City (public) streets; and
    g. Other services provided by the City at the time of annexation.
7. It is not anticipated that an annexation will cause any adverse consequences to the residents currently living within the City or living within the annexed area, except that there may be a slight reduction in general services available to current residents because of expansions of services into the newly annexed territory.

8. It is anticipated that the residents in the newly annexed territory will experience an increase in their property taxes due to the difference in certified tax rates between the City and Washington County. It is further anticipated that as the City receives property tax revenue from the newly annexed territory, the level of service for the entire community will increase.



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LEGEND

0 0.04 0.07 0.15 Miles

- Santa Clara Incorporated Area
- Ivins Incorporated Area
- Future Gap Canyon Pkwy
- Bureau of Land Management
- PLSS Section
- PLSS Quarter Section
- Washington County Parcels
- Future Graveyard Wash
- Potential Annexation Areas
- Bureau of Land Management
- Ivins
- Unincorporated County

Annexation Policy Plan Map

City of Santa Clara

Spatial Reference	NAD 1983 State Plane Utah South FIPS 4303 (US Feet)
Scale	1 inch equals 0.09 miles
Date	December 7, 2023

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RECEIVED
DEC 14, 2023

NOTICE OF PUBLIC MEETING

The Santa Clara City Planning Commission will hold a Public Meeting at 5:30 PM on Thursday, December 14, 2023, in the City Council Chambers, 2603 Santa Clara Drive, Santa Clara, Utah 84765.

The purpose of the Public Meeting is to receive public input from the affected entities:

1. Under the State Annexation Statute, UCA 10-2-401.5, which was amended by the Utah Legislature in 2021, Santa Clara City intends to adopt an Annexation Policy Plan. The Annexation Policy Plan is intended to comply with the provisions of UCA 10-2-401.5(4) and incorporate all criteria required and suggested by Section 10-2-401.5(3). This opportunity will allow for affected entities to examine the proposed Annexation Policy Plan and provide input on it.

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary Communicative aids and services) during this meeting should notify the City Recorder, Chris Shelley at 673-6712, ext. 203 at least 24 hours prior to the hearing.

CHRIS SHELLEY, City Recorder