Ivins City

Annexation Policy Plan

Adopted as an Amendment to the Ivins City General Plan

Ordinance 2005-02

Adoption Date:
January 20, 2005

Addendum to the General Plan

Ordinance Number 2005-02

Ivins City Annexation Policy Plan

WHEREAS, the State of Utah has enacted legislation that requires communities to develop and adopt Annexation Policy Plans before annexing unincorporated lands into their incorporated boundaries (10-2-401.5 UCA; and

WHEREAS, Ivins City desires to plan for the future expansion of its boundaries in a manner that is consistent with its General Plan and in coordination with Washington County; and

WHEREAS, Ivins City wishes to direct and manage growth in ways that will preserve the future quality of life now enjoyed in Ivins City; and

WHEREAS, Ivins City is willing to consider annexation of surrounding lands that are within its designated annexation areas to receive municipal services; and

WHEREAS, the Planning Commission and City Council have held duly noticed public hearings according to Utah Law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Ivins City as follows:

Chapter 1- General Considerations

Statement of Purpose.

This document is written to provide Ivins City with a growth plan that shall guide the development and expansion of the municipal boundaries through annexation in a manner that is consistent with the General Plan of Ivins City and the laws of the State of Utah.

It is the intent of this Annexation Policy Plan to protect and enhance the private property rights of property owners within the municipal boundaries and in the unincorporated areas surrounding Ivins City. It is further the intent that the regulations contained herein shall encourage sound planning practices and reduce the major sources of problems usually associated with the annexation process.

Legislative Policy.

The following statements are reflected in the State Law governing annexations and are included as a part of this Annexation Policy Plan:

1. Sound development within Cities and Counties is essential to the continued economic development of the State of Utah;
2. Municipalities are primarily created to provide urban type governmental services essential for development and for the protection of public health, safety and welfare in residential, commercial, and industrial areas, and in areas under-going development;
3. Municipal boundaries should be extended, in accordance with specific standards, to include areas where urban-type governmental services and facilities are needed and can be provided for the protection of public health, safety and welfare, and to avoid the inequities of double-taxation and the proliferation of special service districts;
4. Areas annexed to municipalities in accordance with appropriate standards should receive the services provided by the annexing municipality consistent with a planned extension policy;
5. Areas annexed to municipalities should include all of the urbanized unincorporated areas contiguous to municipalities, securing the residents within these areas a voice in the selection of their government and the services they shall receive;
6. Decisions with respect to municipal boundaries and urban development need to be made with adequate consideration of the effect of the proposed actions on adjacent areas and on the interests of other government units, on the need for the cost of local government services, the ability to deliver the services under the proposed actions, and on factors related to population growth and density of the geographic area; and
7. The economic and financial impacts of annexation to existing municipalities must be evaluated to ensure that annexation is financially desirable.

Chapter 2-Procedure for Adopting Annexation Policy Plan

10-2-401.5 UCA, 1953

The duties of the Planning Commission in the adoption of the Annexation Policy Plan are as follows:

1. Prepare a proposed Annexation Policy Plan as provided herein.
2. Hold a public meeting to allow affected entities to examine the proposed Annexation Policy Plan and to provide input on it.
3. Provide notice of the public meeting to each affected entity at least 14 days before the meeting.
4. Accept and consider any additional written comments from affected entities until ten days after the public meeting.
5. Make any modifications to the proposed annexation policy plan the Planning Commission considers appropriate, based on input provided at or within ten days after the public meeting.
6. In addition to the public meeting mentioned above, hold an official Public Hearing on the proposed Annexation Policy Plan providing reasonable public notice, including notice to each affected entity, at least 14 days before the date of the hearing.
7. Following the hearing, make any modifications to the proposed Annexation Policy Plan the Planning Commission considers appropriate, based on input provided at the public hearing.
8. Submit its recommended Annexation Policy Plan to the City Council for their public hearing.

The duties of the City Council in the adoption of the Annexation Policy Plan are as follows:

1. Hold a public hearing on the Annexation Policy Plan recommended by the Planning Commission.
2. Provide reasonable notice, including notice to each affected entity, of the public hearing at least 14 days before the date of the hearing.
3. After the public hearing, make any modifications to the recommended Annexation Policy Plan that the City Council considers appropriate, and
4. Adopt the recommended annexation policy plan, with or without modifications.

Chapter 3. Contents of this Annexation Policy Plan:

1. **Expansion Area Map:**

   A map of the Expansion Area is included in this Annexation Policy Plan and made a part by reference. This map outlines the boundaries of each area outside, but adjacent to, the Ivins City municipal boundary, that may be considered for annexation. The Expansion Area Map shows the area where the City can provide municipal services. The map also includes areas of influence that impact watershed areas, wetlands areas, sensitive lands, etc. Even though the properties are designated on the Expansion Area Map as "Expansion Area" there is no guarantee that the annexation request will be approved by Ivins City. Any petition for annexation may require additional requirements than those contained in the current Annexation Policy Plan.

2. The following criteria shall guide the City's decisions regarding annexation petitions:

   a. **The character of the community.**
   Reference the General Plan Goals and Objectives and the Mission Statement or Vision of the Community.

   b. **The need for municipal services.**
   The need for services shall be outlined on the petition for annexation by the petitioners as well as their recommendations for how these services are to be provided. The Council shall determine what services are actually needed as well as how and when they are to be provided and financed.

   c. **Plans for extension of municipal services.**
   The City plans to provide services economically within its boundaries first. A map of existing streets and waterlines is included on the Annexation Plan Map. As streets are built they must conform to the master street plan. As new streets are built in annexed areas, they shall conform to the master street plan. Projected streets, water-lines, sewer plans, parks, etc. shall be projected as needs dictate and shall be included in the Capital Facilities Plan.

   d. **How the services shall be financed**.
   A long-range financing plan shall be developed consistent with the General Plan and the Capital Facilities Plan to extend services to new areas. A uniform financing plan that outlines the cost of providing new services to annexed areas shall be developed with each annexation, as well as how these costs shall be met. The cost to provide new services to annexed areas shall be financed by the lands in that area unless otherwise determined by the City Council after public hearing.

   e. **An estimate of the tax consequences.**
   The residents petitioning for annexation shall prepare a report showing the tax consequences to properties covered by the annexation and present these with the petition for annexation. The tax impact within the municipal boundaries shall be prepared by the City, and presented as a final report on the tax consequences before a final decision is made on annexation.

f. **The interests of all affected entities.**
The following is a list of the public and private entities including the Washington County School District, Washington County, Washington County Water Conservancy District, City of St. George, and City of Santa Clara within the Expansion Area, the services they provide, and the possible impact on them as annexations occur.

Washington County. Washington County provides limited road, public safety, court and other general government services. Washington County's policy has been that municipal type development should occur in cities.

Washington County School District. The Washington County School District provides school service to Ivins City and the Expansion Area.

City of Santa Clara. Ivins City and the City of Santa Clara share a common boundary on the south. In 1996 Ivins City and the City of Santa Clara signed and Agreement Regarding Boundaries that gave Ivins City the right to annex lands designated as the "Gubler Addition" and the "Anasazi Addition" and gave the City of Santa Clara the right to annex the "Graveyard Wash Addtiion" and other lands south of Highway 91. Proposed development that may occur within Ivins City, Santa Clara, and St. George may require boundary adjustments to accommodate orderly development of the project.

St. George City. The City of St.George provides, under contract, water and sewer services to Ivins City and may, under negotiated contract, provide services to the Expansion Area.

Washington County Water Conservancy District. The Washington County Water Conservancy District provides, under contract, water to Ivins City and may, under negotiated contract, provide water to the Expansion Area.

Bureau of Land Management (BLM). The Bureau of Land Management manages land within the Expansion Area.

School and Institutional Trust Lands Administration (SITLA). SITLA owns land within the Expansion Area.

g. **Avoiding Gaps, Overlaps, Islands, or Peninsulas.**

The City shall avoid the creation of gaps, overlaps, islands, and or peninsulas as annexations occur.

h. **20-Year Population Projection.**
The 2000 census estimate of the Ivins City population was 4,450 residents. Currently 2229 homes exist in Ivins City. Using the Washington County estimate for people per household of 3.2 the current population of Ivins City is estimated to be 7133. Buildout of Ivins City is estimated to be approximately 27,000, including buildout of proposed areas of annexation. Using the current growth rate of approximately 7% Ivins City's growth projections are as follows:

Year	Population	Annexation Area
2004	7200	0
2005	7704	0
2006	8243	100
2007	8820	124
2008	9438	154
2009	10098	191
2010	10805	236
2011	11561	293
2012	12371	364
2013	13237	451
2014	14163	559
2015	15155	693
2016	16216	859
2017	17350	1065
2018	18565	1321
2019	19865	1638
2020	21255	2031
2021	22743	2518
2022	24335	3122
2023	26038	3871

i. **Projected Costs of Infrastructure.**

Ivins City will include costs of servicing the Expansion Areas in a Capital Facilities Plan. The costs of over-sizing lines and facilities will be included in the City's Impact Fee Analysis. The costs to install lines and facilities in the Expansion Area itself will, in most cases, be borne by the developer.

j. **Full Development Plan.**

The City shall encourage development within the municipal boundaries in an effort to utilize undeveloped lands. Policies shall be adopted to encourage the appropriate use of undeveloped lands within the City and within the Expansion Area consistent with the General Plan.

k. **Consistency with General Plan.**

All annexations shall be in accordance with the Ivins City General Plan. The goals and objectives of the Ivins City General Plan shall guide all development and consideration of annexation.

l. **Inclusion of Agricultural, Forest, Recreational, Wildlife Areas.**

- **Agricultural Areas.**

Agricultural areas are included in the Expansion Area and shall be considered for annexation when it is consistent with the Agriculture Protection Act of Utah, the General Plan, and the desires of the owners of said property. In general, agricultural areas shall be protected from development, unless it is the desire of the property owners of said lands to develop.

- **Forested Areas.**

  Forested areas shall be considered for annexation with consideration for preservation and beauty of surrounding environment consistent with the General Plans of the City. Hillside protection and cluster housing shall be used to preserve these areas when being considered for annexation.

- **Recreational Areas.**

  Recreational areas shall be considered for annexation to the City with the intent that municipal services are needed and can be provided effectively consistent with the General Plans.

- **Wildlife Areas.**

  As annexations occur into these areas, a balance between the needs of people and the needs wildlife shall be considered and appropriate steps taken to plan ahead for these.

m. **Contiguous to Municipal Boundaries.**

All proposed annexations shall be contiguous to the boundaries of the City.

n. **Expansion Area Defined**. See Expansion Area Map.

Chapter 4-Definition of Terms

Affected Entity. Affected entity means:

a. A county in whose unincorporated area the area proposed for annexation is located;
b. An independent special district under *Title 17A, Chapter 2, Independent Special Districts*, whose boundaries include any part of an area proposed for annexation;
c. A school district whose boundaries include any part of an area proposed for annexation; and
d. A municipality whose boundaries are within 1/2 mile of an area proposed for annexation.

Area of Influence. Area of Influence means that geographic area surrounding a municipality that is defined by the community as contributing to and creating the environment in which the community exists, ie. scenery, mountains, rivers and streams, wildlife, farms and agricultural lands, etc. This area of influence shall generally be consistent with the outer tier of the Expansion Area Map, but in some cases may not be due to unique characteristics that do not follow geographic boundaries.

Agriculture Protection Area. Agriculture protection area means that area designated within the Expansion Area according to *Title 17, Chapter 41, Agriculture Protection Area,* as an Agriculture Protection Area.

Annexation petition. Annexation petition means a petition under *Section 10-2-403* proposing the annexation to a municipality of a contiguous, unincorporated area that is contiguous to the municipality.

Commission. Commission means a Boundary Commission established under *Section 10-2-409* for the county in which the property that is proposed for annexation is located.

Contact Sponsor. Contact Sponsor means hat person listed on the annexation petition as the Contact Sponsor.

Expansion Area. Expansion Area means the unincorporated area that is identified in an annexation policy plan under *Section 10-2-401.5* as the area that the municipality anticipates annexing in the future.

Municipal Selection Committee. Municipal Selection Committee means a committee in each County composed of the Mayor of each municipality within that County.

Personal Representative. Personal Representative means the signature of a person signing a petition or protest in a representative capacity on behalf of an owner. This signature is invalid unless the person's representative capacity and the name of the owner the person represents are indicated on the petition or protest with the person's signature, and the person provides documentation accompanying the petition or protest that substantiates the person's representative capacity. A duly appointed personal representative may sign a petition or protest on behalf of a deceased owner.

Petitioner. Petitioner means the owner of real property, for purposes of each provision of this part, which requires the owners of private real property covering a percentage or majority of the total private land area within an area to sign a petition or protest.

Petition Sponsors. Petition Sponsors mean five (5) petitioners or qualified personal representatives of petitioners of an annexation petition that are designated by the petitioners as Petition Sponsors, one of whom is designated as the Contact Sponsor.

Private. Private, with respect to real property, means property not owned by the United States or any agency of the federal government, the state, a county, a municipality, a school district, a special district under *Title 17A, Special Districts*, or any other political subdivision or governmental entity of the State.

County. County means Washington County.

Urban Development. Urban Development means:

a. A housing development with more than 15 residential "equivalent" units and an average density greater than one residential unit per acre; or
b. A commercial or industrial development for which cost projections exceed $750,000 for all phases.

Owner of Real Property. Owner of Real Property means the recorded title owner according to the records of the County Recorder.

Qualifying Parcel. Qualifying Parcel means a parcel of real property represented in the calculation of the required percentage or majority of petitioners owning said parcel, unless the petition or protest is signed by owners representing a majority ownership interest in that parcel; or if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel;

Value of Private Real Property. Value of Private Real Property means the value as determined according to the last assessment roll for County taxes before the annexation petition or protest.

Chapter 5-Expansion Area Map and Definitions

The adoption of a geographic boundary or Expansion Area is provided to delineate the point beyond which the City does not plan to provide services. This Expansion Area Map is adopted as a part of the General Plan and should not be changed without compelling reasons. It is intended to be a fixed boundary for the life of the General Plan and essentially defines the community's "Area of Influence".

The growth areas of the City shall be of sufficient size to accommodate planned commercial and residential growth consistent with the General Plan, taking into account the following:

1. Land with natural constraints, i.e. sensitive lands, water sheds, water drainage, cliffs, steep slopes, views, vegetation preservation, etc.
2. Agricultural land to be preserved.
3. Greenbelt and open space lands.
4. Public street projections and reservations.
5. Existing projects with development potential.
6. Land use patterns already created by existing subdivisions, recorded plats, or large lot divisions, etc.
7. Plans to continue the building pattern in existing developments to their completion.
8. Preservation of public infrastructure and water sources.
9. Needs for preservation of open-space, parks, wildlife habitat.

The following factors shall be considered in determining the precise location of Expansion Area Boundaries:

1. Geographic, topographic, and manmade features;
2. The location of public facilities;
3. Availability of needed services; limits of capacities and extension limits.
4. Jurisdictional boundaries of other public entities and improvement districts.
5. Location of natural resource lands and critical areas.

Planning growth in this way shall provide the following advantages to the City:

1. Encourage an efficient development pattern.
2. Identify and maintain protected Agricultural Areas.
3. Avoid unnecessary and premature consumption of land that cannot be developed or serviced efficiently.
4. Provide a focused plan for preserving existing pubic facilities and capital investments and extension of public facilities in the future.
5. Develop and maintain fiscal integrity in city operations by encouraging the full utilization of existing streets and other public facilities.
6. Diversify and strengthen the tax base of the community.
7. Encourage the development of local job opportunities.
8. Protect and preserve natural and environmental features that are desired by the community.
9. Provide for future developments by advanced mapping of needed facilities and services.
10. Facilitate development by providing sufficient areas within each tier and planned zones appropriate to support anticipated populations.

General description of land, ownership, and potential land uses in each of four areas on the Expansion Area Map are described herein.

Area 1 - 470 acres.

Area 1 includes undeveloped land and some portions of the land may be suitable for residential development similar to the residential development in the Kayenta subdivision of Ivins City. Land within Area 1 is managed by the Bureau of Land Management.

Land within Area 1 has development constraints including hillsides, geological hazards, and those imposed by the Red Cliffs Desert Reserve.

Land within Area 1 would be carefully planned to meet the objectives of the Ivins City General Plan.

Area 2 – 2410 acres.

Area 2 includes primarily undeveloped land. There are a few homes in Area 2 that are currently serviced by Ivins City for public safety needs. There is some privately owned land currently being used for agriculture. The largest portion of the land is managed by the Bureau of Land Management.

It is anticipated that some of the private land within Area 2 will be suitable for development. It is also anticipated that some of the private land would be suitable for agriculture. Ivins City encourages a variety of development types and this land may be suitable for residential, commercial, industrial, recreation, agriculture, cultural, historical, and protection of open space needs of Ivins City.

Ivins City has stringent regulations regarding development on sensitive lands. Much of Area 2 includes sensitive lands including hillsides, washes, rivers, and geologic, historic and cultural areas. In addition, any development on this land that is not subject to stringent sensitive land development regulations would greatly impact Ivins City's view shed.

Included in Area 2 is the area referred to as the "Anasazi Addition" in an existing Agreement Regarding Boundaries dated February 14, 1996 between Ivins City and the City of Santa Clara. The Agreement Regarding Boundaries states "Santa Clara agrees that it will not protest the annexation by Ivins of the Anasazi Addition."

Area 2 includes lands designated as part of the Santa Clara River Reserve, a cooperative agreement and partnership between Ivins City, the Bureau of Land Management, and Santa Clara. The Santa Clara River Reserve encompasses approximately 6500 acres and a portion of that acreage is included in Area 2. The goal of the Santa Clara River Reserve is "to foster a sense of place that balances the need for resource protection with the needs of multiple user groups' recreational desires, provides educational opportunities that inform the public about sensitive resources and cultural heritage, and remains responsive to community interests". This goal is in harmony with Ivins City's sensitive land development objects. Ivins City is geographically located to provide the required services for the Santa Clara River Reserve and all lands included in Area 2.

Land included in Area 2 has development constraints including hillsides, washes, geological hazards, and additional environment constraints for endangered species,

archeological, and cultural preservation. Ivins City is dedicated to the preservation of the natural resources of this area, including the archeological and cultural sites.

Land included in Area 2 is currently being served by Ivins City for Public Safety requirements. Access in Area 2 is provided most efficiently from Ivins City. Infrastructure and City services to Area 2 are a logical extension of existing infrastructure and services provided by Ivins City.

Land within Area 2 would be carefully planned to meet the objectives of the Ivins City General Plan. The property owners would be responsible for the installation of all necessary and required municipal utility services and infrastructure.

Area 3 – 310 acres.
Area 3 is land that is presently within the municipal boundaries of Santa Clara. This land is undeveloped, but is proposed for development, which may occur within the cities of St. George, Santa Clara, and Ivins. The proposed development may be facilitated by boundary adjustments between Ivins City and Santa Clara.

Land included in Area 3 has development constraints including areas of lava rock. Ivins City is dedicated to the preservation of the natural resources of this area.

Land included in Area 3 is currently being served by Ivins City for Public Safety requirements. Infrastructure and City services to Area 3 are a logical extension of existing infrastructure and services provided by Ivins City.

Land within Area 3 would be carefully planned to meet the objectives of the Ivins City General Plan.

Area 4 – 160 acres.
Area 4 is land owned by the State of Utah. This land abuts existing residential development and may be suitable for residential development.

Land included in Area 4 has development constraints including hillsides, washes, geological hazards, and additional environment constraints for endangered species.

Land within Area 4 would be carefully planned to meet the objectives of the Ivins City General Plan. The property owners would be responsible for the installation of all necessary and required municipal utility services and infrastructure.

Expansion Area Boundary

The Expansion Area Boundary is intended to establish the outer boundary beyond which Ivins City does not anticipate expanding into, or the outer boundary of its Expansion Area or Area of Influence. This Expansion Area Boundary identifies the areas the community does not anticipate expanding beyond, and define the "Area of Influence" of the community.

Expansion Area Map to be an Overlay.

The Expansion Area Map is to be an overlay on the Land Use Map of the General Plan of the City and the County, and shall provide a view of present and future uses of land for each City, to make efficient use of resources 20 years into the future. This should be updated periodically, along with the General Plans.

Agriculture Protected Areas.

The Expansion Area Map shall recognize the Agriculture Protection Area Map adopted by the County. Future development of these lands shall be planned in coordination with the property owners in these areas within the intent of protecting agricultural lands consistent with right to farm laws.

Chapter 6-Annexation Limitations-
10-2-402 UCA, 1953

Contiguous Area:

Ivins City shall only consider lands for annexation that meet the following criteria:

1. It is a contiguous area according to the definition herein.
2. It is contiguous to the municipality.
3. The annexation shall not leave or create an unincorporated island or peninsula; and
4. The area is within the proposed annexing municipality's Expansion Area.

Necessity of Petition:

A formal petition requesting annexation shall be filed with the City Recorder before an annexation shall be considered, except as provided in Section 10-2-418 UCA, regarding the annexation of peninsulas, islands or area where the City is providing services as defined by law, in which case the City can initiate the annexation petition.

Whole Parcels:

An annexation under this part may not include part of a parcel of real property and exclude part of that same parcel unless the owner of that parcel has signed the annexation petition.

Revenue Purposes-Not Sole Reason:

It shall be the stated policy of Ivins City to not annex an unincorporated area for the sole purpose of acquiring municipal revenue.

Limitation of Other Municipality's Growth

Ivins City shall not annex unincorporated areas in an effort to retard the capacity of another municipality to annex the same or a related area unless the municipality has the ability and intent to provide benefit to the annexed area by providing municipal services.

County Limitation of Urban Developments

Pursuant to State Law, it is understood and agreed that Washington County shall not approve residential or commercial development within the City's Expansion Area unless:

1. the County notifies the municipality of the proposed development and the City consents in writing to the development; or
2. within 90 days after the County's notification of the proposed development, the municipality submits to the County a written objection to the County's approval of the proposed development and the County responds in writing to the municipality's objections and the concerns are resolved to their mutual satisfaction.

Chapter 7-Annexation Procedure

Annexation Petition:

1. An annexation process shall begin with an Annexation Petition by those desiring annexation.

2. Each petition shall be filed with the City Recorder, and shall contain the signatures of the owners of private real property that:

   (a) is located within the area proposed for annexation;
   (b) covers a majority of the private land area within the area proposed for annexation;
   (c) covers 100% of the private land area that is within an agriculture protection area created under Title 17, Chapter 41, Agriculture Protection Area; and
   (d) is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;

3. If all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owner(s) of all the publicly owned real property must sign the petition;
4. The petition shall be accompanied by: (a) an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation; and (b) a copy of the notice sent to affected entities and a list of the affected entities to which notice was sent.
5. The petition shall designate up to five of the signers of the petition as sponsors, one of whom shall be designated as the Contact Sponsor, and indicate the mailing address of each sponsor.
6. A petition shall not propose the annexation of all or part of an area which has already been proposed for annexation to another municipality where the petition has not been denied, rejected, or granted.

Annexation Boundaries Identified:

If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

1. along the boundaries of existing special districts for sewer, water, and other services;
2. along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries;
3. along the boundaries of other taxing entities;
4. to eliminate islands and peninsulas of territory that is not receiving municipal-type services;
5. to facilitate the consolidation of overlapping functions of local government;
6. to promote the efficient delivery of services;
7. to encourage the equitable distribution of community resources and obligations.

Filing With the City Council:

On the date of filing, the petition sponsors shall deliver or mail a copy of the petition to:

1. the City Recorder; and
2. the County Clerk in which the area proposed for annexation is located.

Acceptance or Rejection:

The City Council has the option to:

1. deny a petition filed, or
2. accept the petition for further consideration under this part and forward it to the City Recorder for Certification as provided herein.

A petition shall be considered to have been accepted for further consideration if The Council fails to act to deny or accept the petition at the next regularly scheduled meeting of the Council that is at least 14 days after the date the petition was filed.

If the Council denies a petition, it shall, within five days of the denial, mail written notice of the denial to the Contact Sponsor and the County Clerk, stating the reasons for doing so.

If the Council accepts the petition, or is considered to have accepted the petition, the City Recorder shall within thirty (30) days of that acceptance, consult with the County Clerk and City Attorney to determine whether the petition meets the requirements of law, certify the petition, and mail or deliver written notification of the certification to the Council, the Contact Sponsor, and the County Commission.

Re-filing of Petitions:

If the City Recorder determines that the petition fails to meet any of the necessary requirements, the petition shall be rejected, and written notification stating the reasons for the rejection shall be mailed or delivered to the Council, the Contact Sponsor, and the County Commission.

If the City Recorder rejects a petition, the petition may be modified to correct the deficiencies for which it was rejected and then refiled.

If a petition is refiled after having been rejected by the City Recorder, the refiled petition shall be treated as a newly filed petition.

Petition Certification:

If the City Recorder determines that the petition meets the requirements of law, the City Recorder shall certify the petition and mail or deliver written notification of the certification to the Council, the Contact Sponsor, and the County Commission.

Notice of certification – Publishing and providing notice of petition.

After receipt of the notice of certification from the City Recorder, the Council shall:

1. publish a notice at least once a week for three successive weeks, beginning no later than ten days after receipt of the notice of certification, in a newspaper of general circulation within the area proposed for annexation and the uninvorporated area within ½ mile of the area proposed for annexation; and

2. within 20 days of receipt of the notice of certification, mail written notice to each affected entity.

Notices of Petition Certification:

The notice of certification shall:

1. state that a petition has been filed with the City proposing the annexation of an area;
2. state the date of the Council's receipt of the notice of certification;
3. describe the area proposed for annexation in the annexation petition;
4. state that the complete annexation petition is available for inspection and copying at the office of the City Recorder;
5. state in conspicuous and plain terms that the City may grant the petition and annex the area described in the petition unless, within the time required, a written protest to the annexation petition is filed with the City and the County Commission, and
6. state the address of the County Boundary Commission, or, if one has not yet been created, the address of the County Clerk, where a protest to the annexation petition may be filed.

Such notice shall state the deadline for filing a written protest in terms of the actual date rather than by reference to the statutory citation.

Annexation of an island or peninsula without a petition – Notice – Hearing.

The Council may initiate annexations of an unincorporated area under this section without an annexation petition if:

1. the area to be annexed consists of one or more unincorporated islands within, or unincorporated peninsulas contiguous to, the City;
2. the majority of each island or peninsula consists of residential or commercial development;
3. the area proposed for annexation requires the delivery of municipal-type services; and
4. the municipality has provided most or all of the municipal-type services to the area for more than one year.

The Council may also initiate annexations of an unincorporated area under this section without an annexation petition if:

1. the area to be annexed consists of one or more unincorporated islands within the City, each of which has fewer than 500 residents; and
2. the City has provided one or more municipal-type services to the area for at least one year.

The Council may annex a portion of an island or peninsula, leaving unincorporated the remainder of the unincorporated island or peninsula, if:

1. in adopting the resolution, the Council determines that not annexing the entire unincorporated island or peninsula is in the City's best interest.

To annex an area under this section, the Council shall:

(a) adopt a resolution indicating the Council's intent to annex the area, describing the area proposed to be annexed, and the reasons for the annexation;

(b) publish notice at least once a week for three successive weeks in a newspaper of general circulation within the area proposed for annexation;

(c) hold a public hearing on the proposed annexation no earlier than 60 days after the adoption of the resolution of annexation.

(d) the first publication of the notice required shall be within 14 days of the Council's adoption of the resolution of annexation.

Each notice required above shall:

1. state that the Council has adopted a resolution indicating its intent to annex the area proposed for annexation;
2. state the date, time, and place of the public hearing;
3. describe the area proposed for annexation, and
4. state in conspicuous and plain terms that the Council shall annex the area unless, at or before the public hearing, written protests to the annexation are filed by the owners of private real property that: (a) is located within the area proposed for annexation; (b) covers a majority of the total private land area within the entire area proposed for annexation; and (c) is equal in value to at least ½ the value of all private real property within the entire area proposed for annexation.

Upon conclusion of the public hearing, the Council may adopt an ordinance annexing the area proposed for annexation under this section unless, at or before the hearing, written protests to the annexation have been filed with the City Recorder by the owners of private real property that: (a) is located within the area proposed for annexation; (b) covers a majority of the total private land area within the entire area proposed for annexation; and (c) is equal in value to at least ½ the value of all private real property within the entire area proposed for annexation.

If protests are filed in a timely manner and comply with the requirements of law, the municipal legislative body shall not adopt an ordinance annexing the area proposed for annexation, and the annexation proceedings under this section shall be considered terminated.

Protests:

1. A protest to an annexation petition may be filed by the legislative body or governing board of an affected entity.

2. Each protest shall be filed no later than 30 days after the Council's receipt of the notice of certification from the City Recorder, and shall be also filed with the County Boundary Commission or the County Clerk when a Boundary Commission has not been appointed yet.
3. Each protest shall: (a) state the reasons for the protest of the annexation petition and justification for the protest under the standards established by state law and this Ordinance; (b) other information that the Boundary Commission by rule requires or that the party filing the protest considers pertinent; and(c) the name and address of a contact person who is to receive notices sent by the Boundary Commission with respect to the protest proceedings.
4. The party filing a protest under this section shall on the same date deliver or mail a copy of the protest to the City Recorder.

5. Each clerk who receives a protest hereunder shall immediately notify the County Commission of the protest and shall deliver the protest to the Boundary Commission within five days of its creation..

Approval or Denial

1. If a protest is filed hereunder, the Council may, at its next regular meeting after expiration of 30 days after the Council's receipt of the notice of certification, deny the annexation petition or take no further action on the annexation petition until after receipt of the Boundary Commission's notice of its decision on the protest.
2. If the Council denies the annexation petition as a result of a protest, the Council shall, within five days of the denial, send notice of the denial in writing to: (a) the Contact Sponsor of the annexation petition; (b) the Boundary Commission; and (c) each entity that filed a protest.
3. If no timely protest is filed, the Council may grant the petition and, by ordinance, annex the area that is the subject of the annexation petition.
4. Before granting an annexation petition, the Council shall:

    a. hold a public hearing; and
    b. at least seven days before the public hearing, publish notice of the hearing in a newspaper of general circulation within the City and the area proposed for annexation.

Chapter 8-Annexation Growth Plan Maps

Expansion Area Map, including legal descriptions
Land Use Plan

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS 20th DAY OF JANUARY, 2005, BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Carol Tenczar	✓			
George E. Elwell, Jr.	✓			
Michael Foot	✓			
Barbara Rusick	✓			
Steve Jolley	✓			

IVINS CITY Corporate Seal WASHINGTON COUNTY

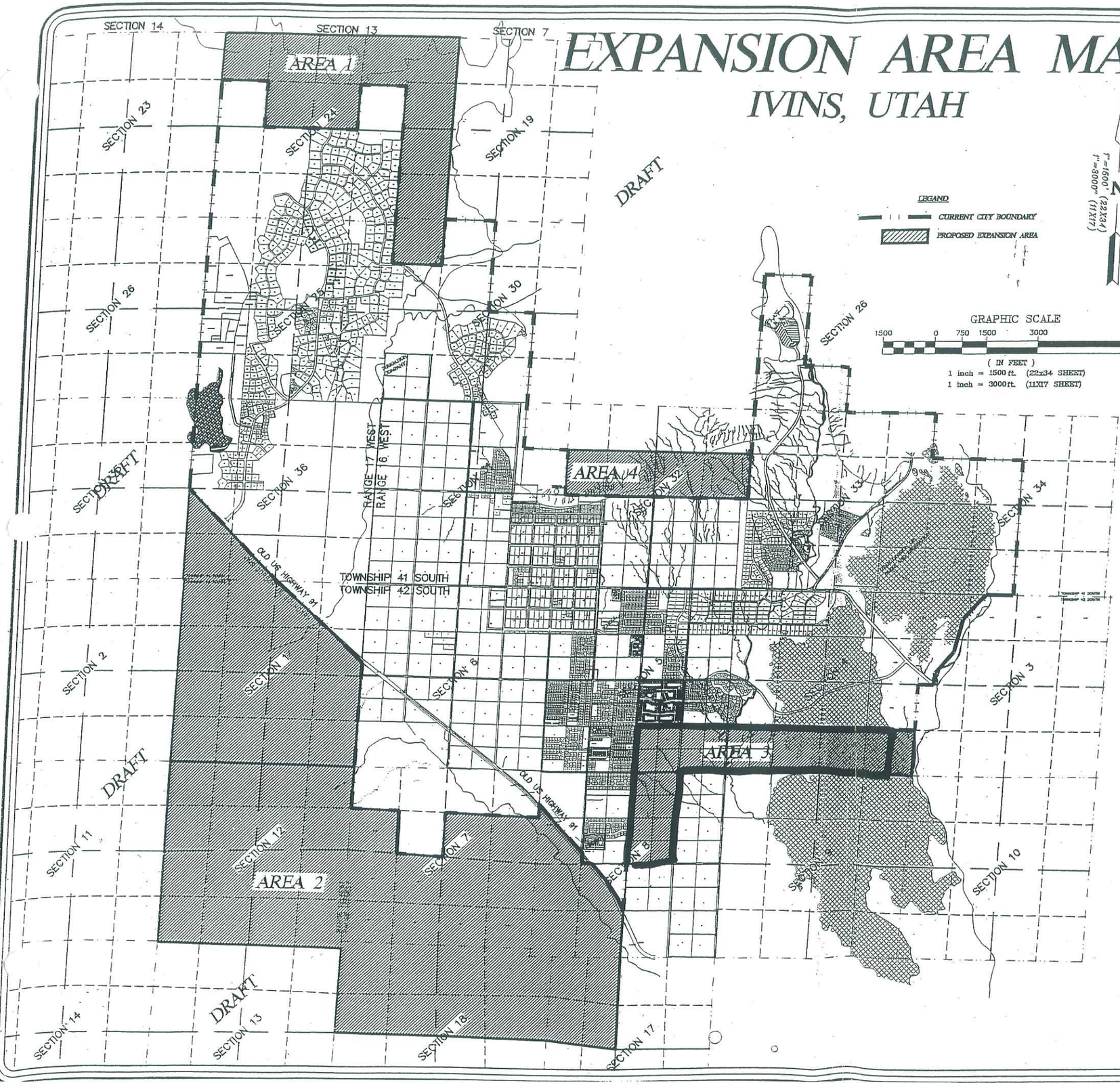
R. Daren Barney
R. Daren Barney, Mayor

ATTEST:

Terri A. Fabio, CMC
City Recorder

EXPANSION AREA MAP

IVINS, UTAH



LEGAL AREA 1

N 1/2, N 1/2; SW 1/4, NE 1/4;
SE 1/4, NW 1/4; OF SECTION 24;
T41S, R17W, SLB&M
W 1/2, W 1/2; OF SECTION 19;
NW 1/4, NW 1/4; OF SECTION 30;
T41S, R16W, SLB&M

LEGAL AREA 2

ALL OF THAT PORTION OF SECTION 36
LYING SOUTH OF OLD US HIGHWAY 91;
ALL OF THAT PORTION OF SECTION 1
LYING SOUTH OF OLD US HIGHWAY 91;
ALL OF SECTION 12;
T42S, R17W, SLB&M;
S 1/2; SW 1/4, NW 1/4; S 1/2,
NE 1/4; OF SECTION 7;
N 1/2; OF SECTION 18;
ALL OF W 1/2 OF SECTION 8 SOUTH
OF OLD US HIGHWAY 91;
NW 1/4 OF SECTION 17;
T42S, R16W, SLB&M

LEGAL AREA 3

S 1/2, S 1/2; OF SECTION 4;
S 1/2; SE 1/4; OF SECTION 5;
W 1/2, NE 1/4; OF SECTION 8;
T42S, R16W, SLB&M

LEGAL AREA 4

S 1/2, N 1/2; OF SECTION 32; T41S,
R16W, SLB&M

ALPHA
ENGINEERING COMPANY
ST. GEORGE, UT 84770
148 E. TABERNACLE
(435) 628-6500

FILE: 463-03-expansion area.dwg
DATE: OCTOBER 2004

Plotted: 15 Oct 04 - 9:57:02 AM, 10/15/2004 9:57:02 AM,