

**PART 12-500**  
**ANNEXATION POLICY PLAN**

**Section 12-500-1 Introduction**

Pursuant to *Utah Code Ann.* § 10-2-401.5, as amended, the City may not annex any unincorporated area of property into the City unless the City has adopted an annexation policy plan and such annexation complies with the terms and policies of such plan. As more particularly provided herein, the annexation policy plan is to set forth the specific criteria that will guide the City's decision whether or not to grant future annexation petitions. The annexation policy plan, in conjunction with the City's General Plan, should be developed in consideration of the population growth projections for the City and adjoining areas and the City's need for additional land suitable for residential, commercial, and industrial development over the next 20 years. The annexation policy plan is also intended to help the City plan for future expansion and growth in conjunction with neighboring political entities.

Annexation is a major determinant of population growth and affects many land use decisions. Each annexation has a different character and thus a varied impact on a city. Annexation decisions are generally permanent and determine what areas will become part of the City's political community, which areas must be serviced by the City and what areas will contribute to the City's tax base. Ideally, annexations should be as agreeable and advantageous as possible to all governmental entities and/or affected parties.

**Section 12-500-2. Why Do Cities Annex?**

Cities annex territory into their boundaries for several reasons:

- To provide municipal services, e.g., water, police and fire protection.
- To assure sound urban development and planning for the areas which share or affect the basic character of the municipality.
- To avoid the inequities of double taxation.
- To minimize the need for special service districts.
- To enhance the municipality's tax base, e.g., land for economic development.

**Section 12-500-3. Utah Law Regarding Annexations**

*A. Basic Annexation Criteria:*

Pursuant to *Utah Code Ann.* § 10-2-403, the process to annex an unincorporated area to a city is initiated by a petition. Except as otherwise provided in *Utah Code Ann.* § 10-2-418, the City may not annex an unincorporated area unless a petition is filed requesting annexation. Each petition for annexation shall be filed with the City Recorder and shall contain the signatures of the owners of private real property that is located within the area proposed for annexation, covers a majority of the private land area within the area proposed for annexation, and is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation. Each annexation petition shall be governed by and subject to the terms and conditions of applicable State law as set forth in *Utah Code Ann.* §§ 10-2-401, *et seq.* as amended. The basic annexation criteria under State law are summarized as follows:

1. The area to be annexed must be unincorporated;
2. The area to be annexed must be a contiguous area;
3. The area to be annexed must be contiguous to the corporate boundaries of the municipality;

4. The area to be annexed must not leave or create an unincorporated island or peninsula, except that existing islands or peninsulas within a city may be annexed in accordance with provisions of Utah Code Ann. § 10-2-418;
5. The area to be annexed must be within the municipality's expansion area;
6. The area to be annexed 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; and
7. The area to be annexed may not be annexed for the sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to annex the same or a related area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services to the annexed area.

If practicable and feasible, the boundaries for the area proposed for annexation should be drawn:

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

*B. Annexation Policy Plan Required Of All Cities:*

Pursuant to applicable State law, a city's annexation policy plan requires the following:

1. A map of the expansion area;
2. A statement of the specific criteria that will guide the city's decision whether or not to grant future annexation petitions. The statement should include and address matters relevant to those criteria including:
  - The character of the community;
  - The need for municipal services in developed and undeveloped unincorporated areas;
  - The municipality's plans for extension of municipal services;
  - How the services will be financed;
  - An estimate of the tax consequence to residents both currently within the municipal boundaries and in the expansion area; and

- The interests of all affected entities;
3. Justification for excluding from the expansion area any area containing urban development within ½ mile of the municipality's boundary; and
  4. A statement addressing any comments made by affected entities at or within ten days after the public meeting required for the proposed annexation.

In developing, considering and adopting the annexation policy plan, the Planning Commission and City Council must:

- Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
- Consider population growth projections for the municipality and adjoining areas for the next 20 years;
- Consider current and projected costs of infrastructure, urban services and public facilities necessary to facilitate full development of the area within the municipality and to expand the infrastructure, services and facilities into the area being considered for inclusion in the expansion area;
- Consider the need over the next 20 years for additional land suitable for residential, commercial and industrial development;
- Consider the reasons for including agricultural lands, forests, recreational areas and wildlife management areas in the municipality; and
- Be guided by the principles set forth in *Utah Code Ann.* § 10-2-403 (5), as amended.

*C. Urban Development within Expansion Areas:*

Once an annexation policy plan is adopted by a municipality, and a copy is sent to the county legislative body, the county may not approve urban development within the municipality's expansion area unless the county notifies the municipality of the proposed development and:

1. The municipality 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.

Urban development is defined in State Law as a housing development with more than 15 residential units and an average density of greater than one unit per acre, or a commercial or industrial development for which cost projections exceed \$750,000 for all phases.

*D. Boundary Commissions:*

A boundary commission may be created by the legislative body of each county in accordance with provisions of *Utah Code Ann.* § 10-2-409, as amended, to help settle annexation disputes between cities, or between a city and a county. Each boundary commission is to be composed of seven members as follows:

- Two members who are elected county officers appointed by the county commission;

- Two members who are elected municipal officers from separate municipalities within the county, appointed by the municipal selection committee as defined in Utah Code Ann. § 10-2-409.5, as amended; and
- Three members who are residents of the county, none of whom is a county or municipal officer, appointed by the four other members of the boundary commission.

Pursuant to applicable procedures and hearing requirements set forth in applicable State law, the boundary commission may:

- Approve the proposed annexation, either with or without conditions;
- Make minor modifications to the proposed annexation and approve it, either with or without conditions; or
- Disapprove the proposed annexation.

**Section 12-500-4. Centerville City Annexation Policy Plan**

In accordance with applicable State law, the following provisions set forth Centerville City's Annexation Policy Plan. This Annexation Policy Plan and associated Map identifies unincorporated areas where the City would consider annexing property if petitioned and sets forth criteria for making decisions about future proposed annexations. This Annexation Policy Plan includes descriptions of each area regarding acreage, developability, need for municipal services, plans and time frame for extension of services, how the services will be funded, estimates of tax consequences for the City and County and interests of other affected entities, (e.g., Davis County, Davis School District, various special service districts, other municipalities, etc).

*A. General Annexation Standards for Centerville City*

In accordance with the provisions of *Utah Code Ann.* § 10-2-401.5, as amended, Centerville City hereby adopts the following standards which will stand as criteria for favorable consideration of all future annexations.

1. The area to be annexed must be contiguous to the corporate limits of Centerville City at the time of submission of an annexation request.
2. The area to be annexed must fall within the areas designated for future expansion and annexation on the Annexation Policy Plan Map.
3. The area to be annexed shall not be located within the corporate limits of another incorporated city.
4. The area to be annexed will not create unincorporated islands or peninsulas, except as provided for in *Utah Code Ann.* § 10-2- 418, as amended.
5. Where an area to be annexed may be served by an entity providing urban type services (e.g., secondary water, sewer service, etc.), Centerville City will notify such entities, in accordance with applicable State law, informing them of the intent to annex such area.
6. The petition must comply with the requirements of *Utah Code Ann.* § 10-2-403, as amended

In addition, it will be the policy of Centerville City to:

7. Eliminate islands and peninsulas of unincorporated areas within the environs of Centerville City;
8. Encourage the equitable distribution of community resources and obligations;
9. Annex areas for which Centerville City is the most efficient provider of municipal services; and
10. Give consideration of the tax consequences to property owners within the annexation area, as well as to the property owners within the municipality, in order to prevent double taxation and to ensure that the annexation will not be a tax liability to the taxpayers within the City.

**Section 12-500-5. Character of Centerville**

Nestled between the Wasatch Mountains and the Great Salt Lake lies the friendly city of Centerville. Within fifteen minutes of Salt Lake City to the south and 25 minutes of Ogden to the north, Centerville offers a beautiful environment for the homeowner and a fast growing commercial climate for the local entrepreneur. Centerville is expanding rapidly as people become aware of the amenities that it has to offer. For example, between 1980 and 1990 Centerville's population increased to 11,500 owing to a 29.9% growth rate. This trend continued as the population of the City grew to 14,585 in 2000. Scenic views of the valley and Great Salt Lake combine with a temperate four-season climate to provide the ideal setting for residency. Consequently, Centerville is fast becoming an ideal location for residential subdivision development. Centerville is also located in the middle of the fabulous recreational and cultural opportunities available along the Wasatch Front. Eight major ski resorts are within a 45-minute drive of Centerville. The cultural treasures of downtown Salt Lake City, such as Ballet West, the Utah Symphony, Temple Square, and sporting events at the Delta Center are fifteen minutes away. Centerville has excellent primary and secondary schools. Over 65 acres of parks and open space are available for individual, family and group activities.

**Section 12-500-6. Areas To Be Considered For Annexation.**

A map of the expansion area of unincorporated property identifying the area that the City anticipates annexing in the future is set forth in Exhibit "1," attached hereto and incorporated herein by this reference (hereinafter the "Expansion Area Map"). Expansion areas are divided into various numbered areas as shown on the Expansion Area Map and more particularly described below.

**A. Area #1 – West Centerville**

1. *Area Considered for Annexation:*

The area being considered in this segment of the Annexation Policy Plan is north of Centerville City's current municipal boundary and is contiguous with the West Centerville Neighborhood. The area to be annexed is located west of the Legacy Parkway, east of Sheep Road, and along the south side of the Steed Creek drainage channel between Centerville City and Farmington City running through the properties from the northeast to the southwest.
2. *Character of Area and Adjacent Community:*

This area is generally vacant and contains approximately 60 acres, which consists of a mixture of developable acreage and wetland areas. The area immediately to the north is also generally vacant land and would remain in the unincorporated area of Davis County allowing Farmington City to expand their municipal boundary, if so desired. It is anticipated that future development of the area to be annexed would conform to the West

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Centerville Neighborhood Plan, which allows for office industrial or mixed node/use consisting of industrial office, supportive commercial, and allowances for residential development in an integrated community setting.

3. *Need for Municipal Services in Unincorporated Area:*

The purpose of annexing this area is to establish and provide accessibility to the full range of municipal services that are currently marginally provided or even unavailable to this area and the properties to the south already within the City's municipal boundaries. It is proposed that such municipal services for the area to be annexed can be obtained from Centerville City through the use of establishing an Economic Development Area. Police and fire protection can be more efficiently provided by Centerville City. Davis County, the current responsible entity, has to bring police protection from elsewhere in the County by traveling through other municipal entities. There are minimal regular police patrols, as will be available through the Centerville City Police Department once the area is annexed. An inter-local fire protection agreement is currently in force at the present time obligating the South Davis Metro Fire Agency to respond to fire and medical incidents in the area. Annexation of Area #1 will allow urban development of the properties to establish a job creation center for the South Davis area with industrial type development, supportive commercial uses, and even possible residential gross densities ranging from 12 to 15 dwelling units per acre in accordance with the West Centerville Neighborhood Plan.
4. *Plans and Time Frame for Extension of Municipal Services:*

With the development of the Legacy Parkway, the area will be provided greater accessibility and there is an opportunity to create a job center for the South Davis area. The West Centerville Neighborhood plan envisions developing an industrial/office job center and is to be potentially supported by other commercial and even residential development. In working with the desires of property owners in planning the future of the area, Centerville City expects development pressure to begin just after the opening of the Legacy Parkway in the fall of 2008. However, infrastructure needed to service the area has to be extended to allow for proper development that is envisioned in the neighborhood plan. It will likely take several years to fully develop the job center, however, extension of arterial roadways and basic service trunk lines need to be developed fairly soon to ensure that the desired development pattern will be implemented.
5. *Financing of Services:*

Generally, culinary water lines, public streets, sanitary sewer lines and storm sewer lines will be installed and paid for by the developer at the time of development and turned over to Centerville City for future maintenance. However, the area currently lacks a main arterial access road and the associated service or utility lines and facilities. It is proposed that such extension of needed services can be partly paid for through the use of establishing an Economic Development Area. Impact fees may also be used to provide for facilities in accordance with the City's Capital Facilities Plan. Centerville is currently proceeding with the required assessment of the area's shortcomings to establish if an Economic Development area and the associated impact fees and tax revenues to be collected by the related taxing entities will cover the cost of extension of such services. It is hopeful that by establishing such a program, it will expedite the occurrence of the desired development envisioned by the West Centerville Neighborhood Plan.
6. *Estimate of Tax Consequences:*

Annexation of Area #1 would increase the tax burden of property owners due to the addition of the Centerville City municipal taxes. However, the majority of the property in Area #1 would need to be annexed for the benefit of any property owner in that it will

provide substantially greater market value through greater development potential and the availability of municipal services than is currently available from the County. If the area were to be annexed and become part of a proposed Economic Development Area, infrastructure could be installed to establish sufficient service capacity to allow urban type development. Annexation and such a development plan would serve to spread the costs of these services over a greater number of properties and would likely reduce the burden of such costs for obtaining such infrastructure.

7. Interests of Other Affected Entities:

Davis County now has the responsibility for servicing Area #1 properties. The logistics of providing reasonable services at this point is impractical. Therefore, there has been a general understanding that as properties in Area #1 were ready to develop, they would be referred to Centerville City for annexation. Davis County will still collect revenue from property tax on the properties, whether in the City or not. However, the increased property values resulting from development in Centerville City will generate more revenue for Davis County than is now collected. The identified entities that would or could be affected by the annexation of this area are:

1. Davis School District
2. Weber Basin Water District
3. South Davis Sewer District
4. South Davis Metro Fire Agency
5. Centerville Deuel Creek
6. South Davis Recreation District
7. Farmington City
8. Davis County
9. *[add other affected entities, if any]*

Neither the Davis School District nor the South Davis Metro Fire Agency would lose their taxes from the properties. If an Economic Development Area (EDA) were to be approved, the Davis School District would be affected by the terms and conditions regarding the collection of taxes for the duration of such an EDA agreement. The Weber Basin Water District, South Davis Sewer District, and potentially Centerville Deuel Creek would all likely gain tax revenues to cover expenses for such services. All other entities would not likely be significantly affected by annexing Area #1.