

## **Chapter 19.22. Annexation.**

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### **19.22.01. General Annexation Petition Requirements and Procedures.**

In accordance with Utah statutory and case law, the decision whether to annex property is an inherently legislative decision. The City Council has complete legislative discretion of whether to grant or deny an annexation petition. Should the Council choose to exercise its legislative discretion in granting an annexation petition, the following requirements shall apply:

1. Developers shall provide public improvements in accordance with City ordinances.
2. Developers shall pay all applicable impact fees, service fees, and assessments in addition to the annexation fee.
3. Developers shall be subject to all other appropriate and adopted fees to offset the costs to the City.
4. The applicant shall be charged for all attorneys' fees associated with review of the annexation and drafting of applicable documents.
5. Piecemeal annexation of individual small parcels of property is discouraged if contiguous parcels, soon to be developed, are available in order to avoid repetitious annexations.
6. Except as permitted in Utah Code § 10-2-401 et seq., no unincorporated islands or peninsulas shall be left or created by the annexation.
7. Irregular boundaries should be minimized.
8. The annexation should generally follow existing roads, property lines, easements, utilities, and power lines in order to minimize the public expense for extension of main or service lines and streets.
9. In order to facilitate the consolidation of overlapping functions of local governments, promote the efficient delivery of services, encourage the equitable distribution of community resources and obligations, and eliminate islands and peninsulas of territory that are not receiving municipal services, the boundaries of an area proposed for annexation should be drawn, where practicable and feasible, along the boundaries of existing special districts for sewer, water, and other services, along the boundaries of school districts, and along the boundaries of other taxing entities.
10. In order to provide for the orderly growth and development in the City and avoid confusion and undue cost to the taxpayers, all utility and service hook-ups shall be limited to incorporated areas of the City and shall not be made available outside the City limits. The only exception shall be those extensions which are made pursuant to agreement with other units of government under the Interlocal Cooperation Act or by specific approval of the City Council.

11. Utilities shall be extended by the developer to annexed areas as soon as practicable after annexation. By approving an annexation, the City is not committing or obligating itself to provide utility services to newly annexed or undeveloped property.
12. Extensions of service lines and utilities shall be performed by the property owner for the annexed land and shall be planned and constructed in full compliance with City ordinances.
13. Each annexation shall require a disclosure by the developer of anticipated needs of utilities and street improvements and a timetable of completion of those improvements as well as developing the project.

(Ord. 17-17, Ord. 13-16, Ord. 12-9)

**19.22.02. Water.**

Inasmuch as the annexation of property into the City of Saratoga Springs will ultimately require a supply of water resources within the annexed area, the owner of the annexed property will be required to demonstrate, upon development of the property, how they will provide, or purchase from the City if available, all water rights, sources, infrastructure, and resources as required under the water ordinances of the City of Saratoga Springs.

(Ord. 17-17, Ord. 13-16, Ord. 12-9)

**19.22.03. Property Owner Initiation of Annexation.**

When initiated by the property owner, the process for annexation shall be as follows:

1. The property owner or owners shall submit to the City a petition in the specific form provided by the City and meeting the criteria established by the state law.
2. There shall be attached to the annexation petition a full disclosure statement of how water rights, sources, infrastructure, and resources shall be provided, or purchased from the City if available, in accordance with City ordinances.
3. There shall also be attached to the annexation petition a statement as to the anticipated timetable for development of the property to be annexed.
4. There shall also be attached to the petition a proposed development plan for the territory proposed for annexation. The proposed development plan shall include at least the following components:
  - a. Requested general land use plan for the area, utilizing City of Saratoga Springs land use designations.
  - b. Requested zoning for all parcels. Where multiple zones are suggested, specific boundaries of each zone shall be designated utilizing City of Saratoga Springs zone designations.
  - c. Developer's plans for extension of at least the following utilities and services: power; culinary water; sewer; secondary water; storm drainage; natural gas; telephone; fire protection; public utilities; telecommunications; Internet; and cable TV.

(Ord. 17-17, Ord. 13-16, Ord. 12-9)

**19.22.04. Procedure for Processing Annexation Petitions.**

The procedure for processing annexation petitions and plats shall be in accordance with Title 10, Chapter 2 of the Utah Code. Petitions shall be on forms approved by the City. Before the City will process any annexation petition, the application shall be fully completed and all adopted fees shall be paid by the applicant. The City will not accept any annexation petition unless and until the applicant has paid the applicable fees.

(Ord. 13-16, Ord. 12-9)

**19.22.05. Annexation Petition Review.**

Once the annexation petition has been accepted by the City as complete, including payment of all applicable fees, the procedure under Title 10, Chapter 2 of the Utah Code shall be followed.

(Ord. 13-16, Ord. 12-9)

**19.22.06. Classification of Annexed Territory.**

1. In accordance with Utah Code § 10-9a-506, all property annexed to the City shall be assigned by the City Council at the time the property is annexed in land use zones that are defined in this Code and listed in the Land Use Element of the General Plan.
2. If the City Council does not assign a zone or general plan designation, the property at the time the property is annexed, shall be assigned the zone and general plan designation of agricultural, which is considered the least impactful to surrounding uses.
3. When determining what land use designations may be appropriate, the City Council may consider the land use of adjacent properties.

(Ord. 17-17, Ord. 16-01, Ord. 14-4, Ord. 13-16, Ord. 12-9)