

ANNEXATION WALKTHROUGH

This document is intended to aid those interested in the annexation process understand both the process and the code that created it. Review Utah Code Annotated 10-2-402 and Tremonton City Zoning Code 1.34 for more information



FILE A NOTICE OF INTENT WITH TREMONTON CITY CLERK & SEND A COPY TO AFFECTED ENTITIES (TREMONTON CITY HAS A LIST). (UCA 10-2-403(2))

BOX ELDER COUNTY WILL MAIL NOTICES TO OWNER'S OF REAL PROPERTY WITHIN THE ANNEXED AREA AND WITHIN 300 FEET OF THE PROPOSED AREA. A COPY OF THE NOTICE WILL BE SENT TO TREMONTON CITY. (UCA 10-2-403(2)(b))

BOX ELDER COUNTY WILL MAIL NOTICES TO OWNER'S OF REAL PROPERTY WITHIN THE ANNEXED AREA AND WITHIN 300 FEET OF THE PROPOSED AREA. A COPY OF THE NOTICE WILL BE SENT TO TREMONTON CITY. (UCA 10-2-403(2)(b)) NOTICES WILL FOLLOW WRITING IN UCA 10-2-403(2)(b)(iii)

AFTER RECEIVING THE CERTIFICATE FROM THE COUNTY, TREMONTON CITY WILL PROFICE AN ANNEXATION PETITION FOR THE PROPOSED AREA.

PETITIONS SHALL :

BE FILED WITH THE TREMONTON CITY CLERK
CONTAIN SIGNATURES OF ALL OWNERS OF PUBLIC AND PRIVATE PROPERTY WITHIN THE ANNEXATION AREA THAT 1) COVERS A MAJORITY OF THE PRIVATE LAND AREA, 2) 100% OF ALL REAL RURAL PROPERTY WITH THE PROPOSED AREA, AND 3) IS EQUAL TO AT LEAST 1/3 OF THE VALUE OF PRIVATE PROPERTY WITHIN THE AREA

SEE UCA 10-2-403(3) AND TCZO 1.34.020

ANNEXATION BOUNDARIES SHOULD FOLLOW GUIDELINES SET FORTH IN UCA 10-2-402, 10-2-403(4), & 10-2-403(5).

ANNEXATION AREAS SHOULD BE A CONTIGUOUS AREA, BE CONTIGUOUS TO TREMONTON CITY'S BOUNDARY, AND SHOULD NOT CREATE UNINCORPORATED ISLANDS OR AREAS.

ANNEXATION AREAS MAY CREATE ISLANDS OR PENINSULAS IF 1) THE AREA IS WITHIN THE TREMONTON'S EXPANSION AREA, 2) BOX ELDER COUNTY AND TREMONTON CITY AGREE TO THE ANNEXATION, AND 3) THE AREA IS NOT WITHIN ANOTHER MUNICIPALITY'S ANNEXATION PLAN.

APPROVAL PROCESS - PETITION CERTIFICATION

CITY COUNCIL MAY ACCEPT OR DENY THE PETITION. IF THE CITY COUNCIL DOES NOT ACT ON THE PETITION WITHIN 14 DAYS, IT IS CONSIDERED ACCEPTED. UCA 10-2-405(1)

ACCEPTED

DENIED

CITY CLERK WILL REVIEW THE ANNEXATION PETITION. (UCA 10-2-405(2))

WITHIN FIVE (5) DAYS, TREMONTON CITY SHALL NOTIFY THE CONTACT AND THE BOX ELDER COUNTY CLERK

IF THE CLERK FINDS THE PETITION **MEETS** THE REQUIREMENTS, WRITTEN CERTIFICATE OF NOTIFICATION WILL BE SENT TO THE CITY COUNCIL, CONTACT, AND COUNTY (UCA 10-2-405(2)(c)(i))

IF THE CLERK FINDS THE PETITION **FAILS** TO MEET THE REQUIREMENTS, WRITTEN NOTIFICATION OF THE REASONS FOR REJECTION WILL BE SENT TO THE CITY COUNCIL, CONTACT, AND COUNTY (UCA 10-2-405(2)(c)(ii))

THE PETITION MAY BE MODIFIED TO CORRECT THE DEFICIENCIES AND REFILE WITH THE CITY CLERK; IF A PETITION IS REFILED, IT SHALL BE TREATED AS A NEWLY FILED PETITION. (UCA 10-2-405(3))

AFTER RECEIVING THE CERTIFICATE OF NOTIFICATION, THE CITY COUNCIL SHALL:

- 1) WITHIN 10 DAYS, SEND WRITTEN NOTICE FOR THE ANNEXATION AREA AND UNINCORPORATED AREA WITHIN 1/2 MILE OF THE PROPOSED AREA (CLASS B NOTICE PER SECTION 63G-30-102)
- 2) WITHIN 20 DAYS, SEND WRITTEN NOTICE TO EACH AFFECTED ENTITY.

WRITTEN NOTICES SHALL BE DRAFTED FOLLOWING GUIDELINES SET FORTH IN UCA 10-2-406(2) AND 10-2-406(3) EXCLUDING REQUIREMENTS FOR FIRST CLASS COUNTIES.

TREMONTON CITY IS A FOURTH (4th) CLASS CITY; BOX ELDER COUNTY IS A THIRD (3rd) CLASS COUNTY.

APPROVAL PROCESS - PROTESTS

PROTESTS MAY ONLY BE FILED BY: 1) LEGISLATIVE BOARD OF AN AFFECTED ENTITY, 2) OWNER OF RURAL REAL PROPERTY WITHIN THE ANNEXATION BOUNDARY, AND 3) OWNER OF PRIVATE REAL PROPERTY LOCATED IN A MINING PROTECTION AREA.

EACH PROTEST SHALL:

- 1) BE FILED WITHIN 30 DAYS OF THE CITY COUNCIL'S NOTICE OF CERTIFICATION.
- 2) BE FILED WITH THE BOX ELDER COUNTY CLERK (UCA 10-2-407(2)(a)(ii)(B)).
- 3) STATE EACH REASON OF PROTEST AND JUSTIFICATION FOR THE PROTEST FOLLOWING UCA 10-2-407(2) & UCA 10-2-407(3)

EACH CLERK WHO RECEIVES A PROTEST SHALL NOTIFY THE COUNTY LEGISLATIVE BODY

IF A PROTEST IS FILED, THE CITY COUNCIL MAY **DENY** THE ANNEXATION PETITION

OR

IF THE CITY COUNCIL DOES NOT DENY THE PETITION, THEY MAY NOT TAKE ACTION UNTIL RECEIVING THE COUNTY COMMISSION'S NOTICE OF ITS DECISION TO THE PROTEST

PRIOR TO APPROVAL, THE CITY COUNCIL WILL HOLD A PUBLIC HEARING; NOTICES WILL BE PROVIDED FOLLOWING THE CLASS B NOTICE PER SECTION 63G-30-102 FOR SEVEN DAYS PRIOR TO THE PUBLIC HEARING.

DENIED

IF DENIED, THE CITY COUNCIL SHALL, WITHIN 5 DAYS, SEND A NOTICE OF DENIAL TO:
THE CONTACT SPONSOR,
THE COUNTY COMMISSION, AND
EACH ENTITY THAT FILED A PROTEST

IF NO TIMELY PROTEST IS FILED AND THE PUBLIC HEARING IS HELD, THE CITY COUNCIL MAY APPROVE THE ANNEXATION PETITION.

ANNEXATION WITHOUT A PETITION

A MUNICIPALITY MAY ANNEX AN UNINCORPORATED AREA UNDER CERTAIN CIRCUMSTANCES IN UCA 10-2-418. THE AREA MAY BE IN THE AREA OF ONE OR MORE MUNICIPALITIES, BUT EACH MUNICIPALITY MUST AGREE TO THE ANNEXATION.

THE AREA:

MAY CONSIST OF ONE OR MORE UNINCORPORATED ISLAND/PENINSULA CONTIGUOUS TO TREMONTON CITY BOUNDARIES.

MUST CONSIST OF A MAJORITY OF COMMERCIAL OR RESIDENTIAL DEVELOPMENT MUST REQUIRE MUNICIPAL SERVICES AS DEFINED BY UCA 10-2a-102(c)

TREMONTON CITY HAS PROVIDED MOST OR ALL OF THE MUNICIPAL-TYPE SERVICES TO THE AREA FOR MORE THAN ONE YEAR.

CONSISTS OF ONE OR MORE ISLANDS/PENINSULAS CONTIGUOUS TO THE CITY WITH EACH ISLAND/PENINSULA HAVING LESS THAN 800 RESIDENTS.

TREMONTON MAY ANNEX A PORTION OF AN ISLAND/PENINSULA IF:

THE CITY COUNCIL DECIDES THAT **NOT ANNEXING** THE ENTIRE ISLAND/PENINSULA IS IN THE CITY'S BEST INTEREST

THE AREA MEETS REQUIREMENTS ABOVE FOR THE NUMBER OF RESIDENTS IN THE AREA

IF THE CITY COUNCIL INTENDS TO ANNEX AN AREA UNDER THESE GUIDELINES, THEY SHALL:

ADOPT A RESOLUTION INDICATING THEIR INTENT & HOLD A PUBLIC HEARING NO EARLIER THAN 30 DAYS AFTER ADOPTION OF THE RESOLUTION

PUBLIC NOTICES FOR THE PUBLIC HEARING WILL BE PROVIDED FOR A MINIMUM OF THREE WEEKS PRIOR TO THE HEARING AS A CLASS B PER SECTION 63G-30-102 AND SENDING WRITTEN NOTICES TO THE COUNTY LEGISLATIVE BODY ALONG WITH ALL OTHER AFFECTED ENTITIES. WRITTEN NOTICES SHALL FOLLOW SECTION 10-2-418(7); THE NOTICES WILL OCCUR WITHIN 14 DAYS AFTER THE RESOLUTION HAS BEEN ADOPTED.

ANNEXATION WITHOUT A PETITION (cont'd)

AT THE CONCLUSION OF THE PUBLIC HEARING, THE CITY COUNCIL MAY ADOPT AN ORDINANCE APPROVING THE ANNEXATION AREA UNLESS WRITTEN PROTESTS HAVE BEEN FILED WITH THE CITY CLERK BY OWNERS OF PRIVATE REAL PROPERTY.

NO PROTESTS

PROTESTS MUST BE FILED BY OWNERS OF PRIVATE REAL PROPERTY THAT COVERS A MAJORITY OF TOTAL PRIVATE LAND AND EXCEEDS 1/2 THE VALUE OF ALL PRIVATE REAL PROPERTY WITHIN THE ANNEXATION AREA

CITY COUNCIL MAY PASS AN ORDINANCE WITHOUT ALLOWING OR CONSIDERING PROTESTS IF:
1) THE OWNERS OF 75% OR MORE OF THE TOTAL PRIVATE LAND REPRESENTING AT LEAST 75% OF THE VALUE OF THE PRIVATE REAL PROPERTY WITHIN THE ANNEXATION AREA HAVE CONSENTED, IN WRITING, TO THE ANNEXATION.

IF PROTESTS ARE FILED AND DO NOT MEET THE 75% CRITERIA (SEE LEFT), THE CITY COUNCIL MAY NOT ADOPT THE ANNEXATION ORDINANCE. PROTESTS, HOWEVER, DO NOT PROHIBIT FROM EXCLUDING PROTESTS TO CREATE AN ISLAND/PENINSULA FOLLOWING UCA 10-2-418(3)

FOLLOWING SECTION 10-2-425 FILING OF NOTICE AND PLAT, THE AREA IS CONCLUSIVELY PRESUMED TO BE VALIDLY ANNEXED

UNDER UCA 10-2-418(8)(c), BOX ELDER COUNTY CAN FORMALLY RECOMMEND AN ANNEXATION AREA THAT ALLOWS THE CITY COUNCIL TO ADOPT AN ORDINANCE WITHOUT ALLOWING OR CONSIDERING PROTESTS. THE COUNTY PROVIDES A LOT OF BACKGROUND AND FORMAL FINDINGS PRIOR TO ADOPTING THE ORDINANCE. THE CITY COUNCIL HAS THE OPPORTUNITY TO ACCEPT OR DENY THE RECOMMENDATION. IF IT IS ACCEPTED, THE WHOLE AREA IS ANNEXED TO THE CITY. IT IS UNCLEAR WHAT CIRCUMSTANCES WOULD TRIGGER THIS PORTION OF THE CODE, BUT IT IS AN ANNEXATION AVENUE THAT EXISTS PER STATE CODE.