

# **Heber City Annexation Policy Plan**

**June 1, 2006**

**Heber City Corporation**

## **ANNEXATION POLICY PLAN**

In accordance with the provisions of 10-2-400, Utah Code Annotated, all municipalities within the State, except Salt Lake County, are required to adopt an Annexation Policy Plan. In this Annexation Policy Plan, the cities are required to develop an expansion area map or plan for the future growth of the community for the next 20 years. The annexation area plan shall incorporate the long range planning objectives contained in the general plan of the community and shall represent a graphic illustration/representation of the areas that the city intends to provide services to within the 20-year period.

The Annexation Policy Plan is created by the City to guide decision making regarding future annexations. It also helps the City plan for future expansion in conjunction with neighboring political entities. Open communication between the City and other political entities, particularly the County, is a priority in the process of developing the Annexation Policy Plan.

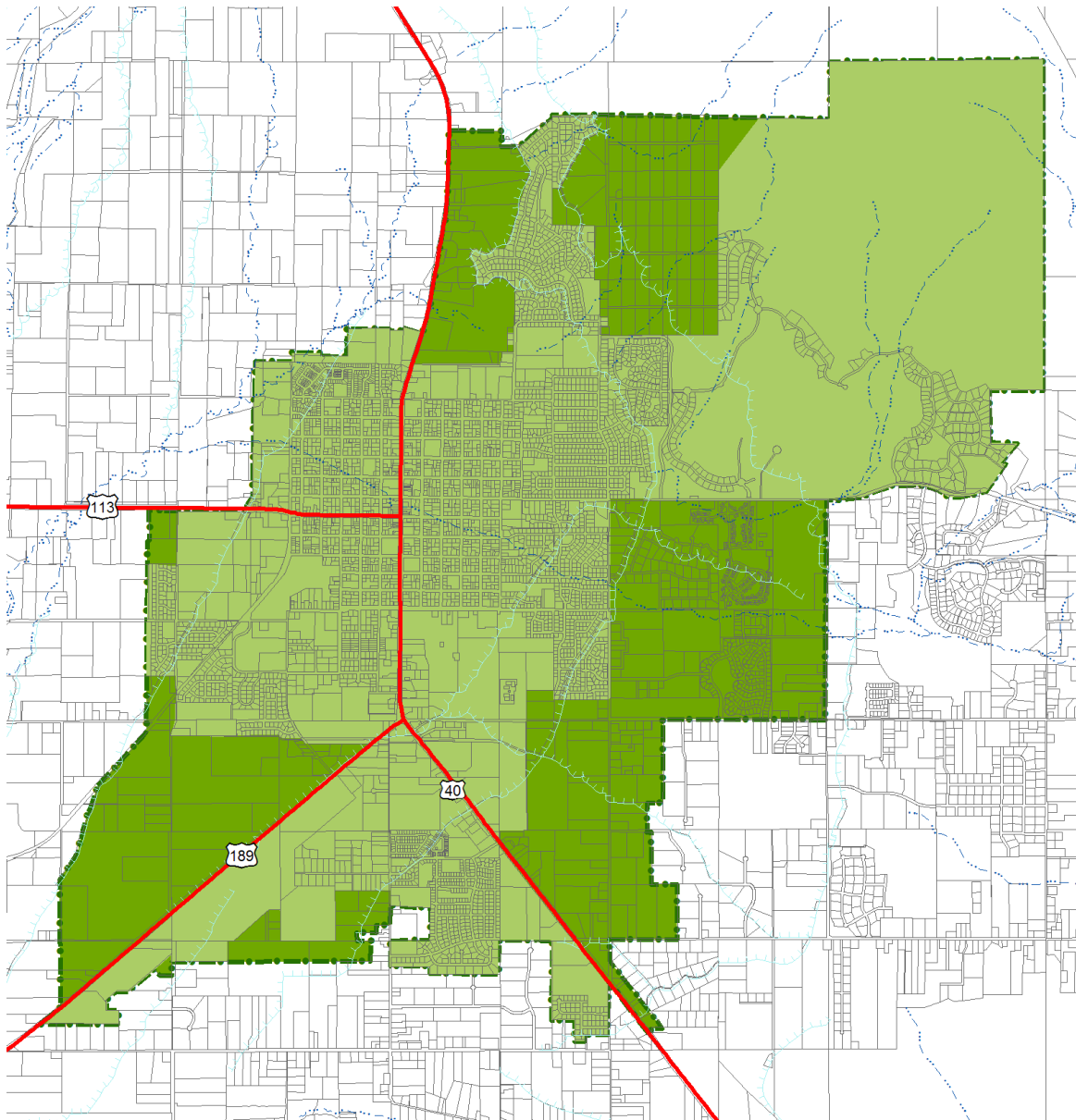
### **EXPANSION AREA MAP 20-Year Growth Boundary**

The City shall adopt and maintain an expansion area map that represents the 20-year growth boundary which includes territories outside, but adjacent to, the community that may be annexed into the City. This map is consistent with the Heber City Future Land Use Map. These areas are not bordered by any other municipality. Even though the proposed properties may lie within the expansion area, there is no guarantee that the annexation request will be approved by the City. The petition for annexation may require additional requirements than those contained in the current Annexation Policy Plan.




Areas to be annexed must be contiguous to the corporate limits of Heber City at the time of submission of the annexation request.

Heber City shall avoid gaps between or overlaps with the expansion areas of other municipalities.

Proposed annexations will not be approved if they create an island or peninsula, as described in the State Code, of the unincorporated area.



# Heber City Annexation Policy Plan

-  Parcels
-  Heber City Boundary
-  Annexation Boundary



## ANNEXATION POLICY

The following is a statement of the criteria Heber City will use in determining whether or not to approve future annexation proposals.

### I. CHARACTER OF THE COMMUNITY

Heber City is located about 45 miles from Salt Lake City, 20 miles from Park City and 27 miles from the Orem/Provo area. Heber is a high-amenity mountain valley community which provides an excellent location for individuals and families interested in an outdoor lifestyle surrounded by a scenic environment. The relatively close commute to surrounding areas has attracted, and will continue to attract, a large number of people who want to live in this community but are willing to commute to work and shopping within reasonable driving distances from the City. This poses a rather unique problem for the community that affects its growth and development. For this and other reasons, Heber City's tax base needs more diversification, specifically permanent jobs and commercial services. Thus, developing an annexation policy that deals with the specific issues of Heber City will have a significant impact on the future quality of life and development of Heber City.

Recently Heber City's bedroom community problem has been complicated by a significant number of commuters from Summit County who are service area workers supporting the tourist and winter sports activities of the Park City area who have difficulty finding affordable housing in the area of their employment. They find the quick drive to Heber on the newly improved four-lane roads an attractive alternative. However, the problem with this is that it places a larger burden upon Heber and its residential services. It is very important that Heber City's policies on dealing with growth and annexation support a balanced tax base and diversification of commercial, economic, and resident employment opportunities.

Heber City's development patterns are somewhat unique from smaller communities that are not part of a suburban environment but are separated from major population centers. Heber's existing City boundaries, with a few exceptions, are fairly well built out, especially residential areas. New residential or general growth expansion will require annexation. It is very important that Heber City take a long-range view, at least 20 years if not longer, at its potential for expansion. The City may run out of developable land in 10 years and may find itself surrounded by County-developed properties with different standards which could impede further development of the City in its natural growth area. Identifying the 20-year growth boundary needs to be a little generous so that it does not limit beneficial growth which Heber may experience. At the same time, it needs to be in areas where the City can efficiently extend municipal services and always discourage leap frog or rural sprawl development which increases the costs and places a higher tax burden on the citizens.

### **POLICY STATEMENT:**

#### **DEVELOPMENT IN ANNEXED AREAS CONSISTENT WITH THE MASTER PLAN**

Heber City has adopted a Master Plan for future development in those extraterritorial areas of interest for future annexation as indicated in this Policy Declaration. This Master Plan defines

proposed land uses as well as the nature and density of development desired in each particular area. Any proposed development in an area to be annexed must be consistent with the Master Plan, notwithstanding the said Master Plan may be amended from time to time as deemed necessary and appropriate.

**POLICY STATEMENT:**

**PLANNING AND ZONING COMMISSION TO REVIEW ANNEXATION**

In order to facilitate orderly growth and development in Heber City, the Planning Commission shall review all proposed annexations and make recommendations to the City Council as set forth in the State Statute.

**POLICY STATEMENT:**

**ANNEXATION TO BE CONSIDERED ONLY IN AREAS OF POTENTIAL URBAN SERVICE**

Heber City's policy is to consider annexation only in those areas where the City has the potential to provide urban service (either directly or through inter-local cooperative agreement). These areas may include locations served or to be served by urban services. See Section VII, Item 2.

**POLICY STATEMENT:**

**ISLANDS AND PENINSULAS OF UNINCORPORATED AREAS TO BE ANNEXED**

Heber City encourages islands and peninsulas to become annexed to Heber City. As provided for by State Code, Heber City will provide services for up to one year. Heber City may, upon the initiative of the City Council and without receipt of a petition therefore, extend its corporate boundaries to include such territory, notwithstanding filing of a written protest for such annexation as provided by law. It is the intent of Heber City to exercise their initiative in this regard.

**POLICY STATEMENT:**

**TIME PERIOD TO COMPLETE ANNEXATION PETITION STUDY**

After an annexation petition has been certified, the protests period over, and the petition forwarded to the Planning Commission for study, a period of one year is allowed to finish the study and a recommendation submitted to the City Council. If action is not taken in that one-year period, the annexation request will be null and void. However, one 6-month extension may be allowed to complete the study and prepare a recommendation to the City Council if approved by the City Council.

**II. MUNICIPAL SERVICES IN UNDERDEVELOPED AND UNINCORPORATED AREAS**

In the past, Heber City has had limited extension of urban services in the unincorporated areas. A fundamental policy is that if some one desires urban services, he ought to be annexed into the City. A few exceptions include some development south on Daniel Road and along Lake Creek

Road. However, these areas will eventually be annexed into the City and full services will be provided to them. Another exception is where development has occurred further away from the City but the development is an important component of the community such as the airport/industrial area, where urban services have been extended.

In most of the residential areas, urban services have been extended. In the commercial area along Highway 40, there has been a limited amount of municipal services provided; however, full service needs to eventually be extended as the areas further develop.

**POLICY STATEMENT:  
MUNICIPAL SERVICES IN THE UNINCORPORATED AREAS**

The City Council may extend municipal services to the unincorporated areas if they find that such expansion is consistent with the overall Annexation Policy Plan and General Plan and will not present barriers for future annexation consistent with the General Plan and Annexation Plan. The petitioner will be charged 1 2 times the hook-up fee and 1 2 times the monthly service charges. The petitioner will also be required to enter into an agreement to annex when the City reaches his property.

**POLICY STATEMENT:  
IMPROVEMENT DISTRICT BOUNDARIES**

Where feasible, the City favors annexation along the boundaries of water and sewer improvements or special service districts and may include portions of or all of said districts.

**III. PLAN FOR EXTENSION OF MUNICIPAL SERVICES**

The plan for extension of municipal services is represented in the General Plan and the Master Plan for Public Facilities. These two adopted policy documents are developed around the physical land use plan development map which includes the 20-year growth boundary. An important component of this extension of municipal services is the ability of the City to effectively serve these areas.

**POLICY STATEMENT:  
HIGH QUALITY MUNICIPAL SERVICES TO BE PROVIDED**

It is the policy of Heber City to extend a high quality of municipal services delivered efficiently throughout the City, including areas of annexation. Further, the City promotes the equitable distribution of community resources and obligations. Such services may be provided directly by Heber City, through inter-local cooperative service agreements, or through creation of such special improvement districts as determined by Heber City to be in the best public interest of its citizens.

**POLICY STATEMENT:**  
**COMPLIANCE WITH STANDARDS AND REGULATIONS**

It is the policy of Heber City to require development in annexed areas to comply with City standards and regulatory laws. This includes the City's Building Code, Subdivision and Zoning Ordinances, and Construction Standards for street width, curbs, gutters, sidewalks, street lighting, road signs, and other utilities. However, existing development may be annexed as legal nonconforming development and uses, consistent with Heber City's Code dealing with nonconforming uses.

**POLICY STATEMENT:**  
**AVOID ENVIRONMENTALLY SENSITIVE AREAS**

It is the policy of the City to avoid development of wetlands, steep-slope, critical environmental habitat areas, shrink-swell soils or any other environmental conditions that threaten the integrity of the City infrastructure unless, in the annexation agreement, the developer can show how they will mitigate these issues in conformance with the City Ordinances, Code and Federal and State Regulations.

**IV. FINANCING SERVICES**

It has been a fundamental policy of the City that developments finance their extension of municipal services. Impact fees derived from the development may fill some of the gaps in providing services to the developed areas; but development within expanded areas needs to be the primary responsibility of the developer or property owner.

**POLICY STATEMENT:**  
**MUNICIPAL SERVICES ON AN AS-NEEDED BASIS**

In areas where municipal services are not presently extended, services will be extended on an as-needed basis at the cost of the developer. All extensions of municipal services must comply with all City ordinances and policy criteria and will be paid for by the individual developer or property owner.

**POLICY STATEMENT:**  
**ANNEXATION AGREEMENT**

An annexation agreement, which will be recorded, will be prepared between the City and property owners outlining specific circumstances relating to water, sewer, and streets, and other specific improvements after review by the Planning Commission, and prior to final annexation approval by the City Council.

Water rights of the type and quantity acceptable to Heber City that can be utilized for underground water rights (culinary, secondary), shall be required to be conveyed to Heber City as a condition of development, subdivision approval or issuance of a building permit on property annexed into the Heber City limits.

It is the intent that land annexed to Heber City be accompanied by water rights sufficient to accommodate the needs of the existing and potential occupants of said land when development occurs. The water rights conveyance requirements of development shall be in addition to any requirement that may be imposed upon development of land after annexation and in addition to appropriate Heber City impact fees.

Water requirements, as referenced by the previous paragraphs, will be established on a case-by-case basis utilizing, among other things, Division of Drinking Water Standards. Specific requirements will be contained in the annexation agreement; but the general guideline of one (1) acre foot of water per residential building permit will be a minimum standard.

The annexation will allow developers of the annexed property access to culinary water, sewer, and other services. In accordance with the Utah Code and the Heber City Code, all developments are required to meet City Specifications, comply with all applicable development ordinances, and ensure all improvements are installed pursuant to Heber City Standards.

**POLICY STATEMENT:**

**EXTENSION OF ROADS, STREETS AND OTHER VITAL PUBLIC FACILITIES**

As a condition of annexation, developments may be required to extend streets, water and sewer, and other vital public facilities consistent with the Heber City Public Facilities Master Plan. Development of improvements shall be extended to the edge property lines.

**V. ESTIMATE OF TAX CONSEQUENCES**

The following is an estimate of tax consequences to residents both currently within the municipal boundaries and in the expansion area.

It is anticipated that areas annexed into the City will increase in value, and the tax assessment on newly developed areas, along with impact fees, development fees, and additional revenue assessments will generate revenue to help support the new services. However, the City needs to constantly monitor and advocate for a balanced tax base through economic promotion and development and by encouraging commercial and service industry.

**POLICY STATEMENT:**

**REVENUE AND ANNEXATION**

Consistent with State Law, it is not Heber City's intent to annex territory for the sole purpose of acquiring revenue. However, it is important for a community like Heber City to maintain a balanced tax base.

**POLICY STATEMENT:**

**AVOIDING DOUBLE TAXATION**

At the time of the proposed annexation the City will give consideration to the tax consequences to property owners within the area proposed for annexation, as well as the property owners

within the municipality, in order to prevent double taxation and to ascertain the annexation will not be a tax liability to taxpayers within the municipality.

## **VI. INTERESTS OF AFFECTED ENTITIES**

The affected entities are municipalities, the school district, special service districts and County government. Input from affected entities shall be requested. After a draft Annexation Policy Plan is developed, or amendments are incorporated thereto, affected entities will be notified. Each Petition for Annexation shall include a concept plan. What is required in the concept plan at the time of filing the Petition for Annexation is limited to the best knowledge of the Petitioner at the time of said filing. This requirement to submit a concept plan with the petition, shall in no way limit or restrict changes, amendments, alterations or modifications to said concept plan throughout the annexation and development process as may be desired either by the Petitioner, Developer, Planning Commission or City Council.

It is important that both the school district and the County be notified of the policies and guidelines for annexation. The school district should coordinate their future development and facility needs consistent with the growth plans for the City. The County should have growth policies that reinforce and are complementary to the City's growth policies so that a cooperative and coordinated development within the County and City occur.

### **POLICY STATEMENT: ANNEXATION OF SCHOOLS**

Due to their neighborhood character, annexation of schools will be considered when the immediate neighborhoods served by the school are annexed into Heber City.

### **POLICY STATEMENT: COMPLY WITH CITY STANDARDS**

It is the desire of Heber City that, in the event that parcels of land within the expansion area are developed and are not at the time able to be annexed into the City, such development will be consistent with Heber City's standards and specifications for streets and public facilities and the County will refer all developments to the City for review and recommendations.

## **VII. ANNEXATION ANALYSIS**

During the annexation process, and prior to referral to the City Council by the Planning Commission, the Planning Commission shall evaluate the following items where applicable and may require additional items from the petitioner, if deemed necessary.

### *1. Property Features*

Map(s) and documents showing the features on and surrounding the property, including present and proposed City boundaries, existing land use, proposed zoning, existing buildings, location of existing septic tanks and culinary wells, existing and proposed water, pressurized irrigation,

canals and sewer mains and proposed extensions, existing streets and public areas, acreage of property to be annexed, existing utility service providers (including culinary water, sewer, pressurized irrigation, special service districts, and/or other municipal service providers).

## *2. Service Needs Assessment*

The applicant shall provide maps and documents listing and describing in detail those City services that must be expanded to meet the needs of the proposed annexation. Future services needed to adequately serve the proposed annexation should be estimated for the following: 1. Police protection (personnel, equipment, and police stations), 2. Fire protection (personnel, equipment, hydrants, fire stations), 3. Public works (additional street lighting, maintenance, construction, garbage collection, street mileage), 4. Parks and recreation (additional park acreage, recreational programs, new facilities), 5. Water (water main construction, maintenance, replacement of old lines, valid water rights), and 6. Sewers (new interceptor lines, additional treatment plan costs and capacity constraints, pump station costs to maintain). 7. Storm drainage (retention vs. detention, connection to existing storm drain systems, flood channels, and outlets).

## *3. Proposed Services: City Costs and Revenue*

The cost of development statement should include the additional cost incurred by the City for all services provided by the City resulting from the proposed annexation and development. The petitioner should also provided a summary statement of all anticipated building permit, impact fee, sales tax, property tax, and other public revenue generation resulting from the project at build out. This analysis should also include the number of proposed residential, commercial, and industrial units, estimated population at build out of proposed annexation area, current assessed valuation of the proposed annexation area and anticipated assessed valuation at build out, and a summary statement of any financial commitments bound to the property by a Special Service District.

## **Plan of Services for Proposed Annexation Area**

If the property can be serviced with City services only through the future construction of onsite or offsite facilities, the City may negotiate terms and a time frame with the developer for the construction of these services through an annexation agreement with the developer. The annexation analysis should serve as a guide for the City in its decision as to the form, extent, and content of the annexation agreement.

### **The following are definitions added to the new annexation statute:**

1) "Affected Entity:" A county in whose unincorporated area the area proposed for annexation is located; an independent special district under Title 17A, Chapter 2, Independent Special Districts, whose boundaries include any part of an area proposed for annexation; a school district whose boundaries include any part of an area proposed for annexation; and/or a city whose boundaries are within a 2-mile of an area proposed for annexation.

2) "Expansion Area:" the unincorporated area that is identified in an annexation policy plan as the area that the City anticipates annexing in the future.

3) "Specified County:" a county of the second, third, fourth, fifth, or sixth class.

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