

NEPHI CITY ANNEXATION POLICY PLAN

February 2019

Introduction

This document is written to provide Nephi with an outline for growth that shall guide the development and expansion of the municipal boundaries through annexation in a manner that is consistent with the Nephi City General Plan and state law.

It is the intent of this plan to protect and enhance the property rights of property owners within the municipal boundaries and in the unincorporated areas surrounding the city. It is further the intent that the regulations contained herein shall encourage sound planning practices and reduce problems that may be associated with the annexations.

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 towns and cities 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 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 cost of needed 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 towns and cities must be evaluated to ensure that annexation is financially desirable.

Expansion Area Map

A map of the Expansion Area is included in Attachment A of this plan and made a part by reference. This map outlines the boundaries of the three levels of growth as they occur. It shows the area that the city can provide municipal services to presently (Level 1); and the area that is planned for longer-term expansion (Levels 2 & 3).

Annexation Criteria

The following criteria shall guide Nephi City's decisions about future annexation petitions:

1. 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 city council shall determine what services are actually needed as well as how and when they are to be provided and financed.

2. The character of the community:

Nephi has been the major urban center in the Juab Valley since its settlement in the 1850's. During its active mining years, early in this century, Eureka temporarily surpassed Nephi as the most populous community in Juab County, but Nephi has remained the county seat and the dominant urban center.

Nephi's location is important to its development because of its location on major north/south and east/west transportation corridors, proximity to the Wasatch Front, and the Union Pacific Rail Road which travel through it. It is experiencing significant growth and development pressure including both residential and industrial growth. It is important that the city adequately plan for the growth that is and will continue to occur.

Nephi has had a policy of discouraging annexations for residential uses to facilitate build out of areas within the city limits to more efficiently utilize existing infrastructure. This policy has resulted in significant in-fill; however, this policy plan will aid planning for the growth of the city.

3. Plans for extension of municipal services.

Nephi City provides Water, Sewer, Electric, and natural gas service within its corporate boundaries. A water distribution study, a drainage study, and an electrical study have been completed. These and system knowledge possessed by city department heads, give the city an accurate view of the capacity of the utility systems; a complete analysis of the

municipal services within the existing corporate limits and the proposed expansion area needs to be completed.

4. How the services shall be financed.

Value 3 (growth management) of the Nephi City General Plan reads.

We welcome moderate population growth at a reasonable pace and believe that new growth should pay its own way and not create economic hardship for existing residents and businesses.

- Growth will be managed so as not to overwhelm the quality rural environment.
- Growth first within the existing city limits and utilizing existing utilities and other infrastructure will be encouraged.
- Open space will be preserved in each quadrant of the city, and maintenance of open space as part of developments will be encouraged.
- Development policies will require the costs of services required for new development to be paid for by the beneficiaries of those services.
- Comprehensive planning for the community's future will include appropriate implementation and enforcement tools.
- Beautification of the community will be enhanced by new developments.

Nephi City will look closely at using annexation agreements, development agreements, annexation petition fees, requiring the dedication of water or water shares that can be converted to or other uses as approved by the city, and similar tools to encourage growth to be compatible with the stated objectives.

A long-range financing plan shall be developed consistent with the General 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

5. An estimate of the tax consequences:

If the area to be annexed can bear the cost of municipal services to be provided there, negative property tax impact to areas already within the city should be negligible. The only immediate tax impact to areas to be annexed would be the addition of the certified tax rate of Nephi City. The city will further evaluate actual costs as specific petitions for annexation are received, and these costs will be considered by the city before a final decision is made on annexations.

6. The interests of all affected entities. Public entities within the Expansion Area which could possibly be impacted by an annexation are listed below. It is the intention of Nephi City to contact those entities which may be impacted by an annexation in an effort to gain their input during any annexation process.

Juab School District

Juab County

Juab Special Service Fire District

Central Utah Water Conservancy District

East Juab Water Conservancy District

7. 20 Year Population Projection

The 20-year population projection required by Utah law, is included in the city’s General Plan and in Table I below:

	2019	2020	2025	2030	2035	2040
Nephi City	6,902	7,154	8,368	9,493	10,560	11,496
Juab County	13,022	13,498	15,789	17,911	19,925	21,690

Juab County population projections are from the Kem C. Gardner Institute at the University of Utah. Nephi City’s population projections are assumed to be a consistent percentage of the county’s overall population.

8. Full Development Plan. Nephi shall encourage development within the municipal boundaries in an effort to utilize undeveloped lands first before expansions are made.

Development within the expansion area shall be consistent with the spirit of the General Plan and when services can be reasonably provided

9. Consistency with General Plan. All annexations shall be considered from the point of view of the general plan. The goals and objectives of the general plan shall guide in the development and consideration of the annexation.

10. Contiguous to Municipal Boundaries. All proposed annexations shall be contiguous to the boundaries of Nephi City.

12. Expansion Area Defined. See Annexation Expansion Area Map. The Expansion Area is defined with basically three levels.

1. Limited areas immediately surrounding and contiguous with the boundaries of Nephi City where public services can be efficiently extended at reasonable costs. Level 1 areas are most likely to be allowed to annex.
2. Areas where development is desirable but more issues exist. These areas will require study and planning. Also, the cost of utility extensions and financing methodology must be developed. Areas in Level 2 shall not be annexed until required analyses required by this plan are completed.
3. Those where longer-term development is desirable. Significant work on utility expansion and other issues need to be addressed, these areas will be carefully examined to determine that annexation and development will not unreasonably impact agricultural or identifies sensitive lands. It is highly unlikely that areas in Level 3 will be annexed without resolving the issues stated above.

13. Expansion Area Boundary Guidelines. The Expansion Area of Nephi 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. Existing and proposed streets.
3. Land use pattern already created by existing subdivisions, recorded plats, or large-lot divisions, etc.
4. Plans to continue the building pattern in existing developments to their completion.
5. Preservation of public infrastructure and water sources.
6. Needs for preservation of open-space, parks, and wildlife habitat.

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

1. Geographic, topographic, and man-made features.
2. Location of public facilities.
3. Availability of needed services.
4. Location of natural resource lands and critical areas.

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

1. Encourage an effective development pattern.

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

14. Annexation Growth Map to Be an Overlay. The Growth Boundary Map is to be an over-lay on the Land Use and Zoning Maps of Nephi City and Juab County and shall provide a view of present and future use of land to make efficient use of resources into the future. These maps should be updated periodically along with the General Plan.

Definition of Terms

“Affected entity” means:

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

“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” 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

“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 & streams, wildlife, farms and agricultural lands, etc.

This area of influence shall generally be consistent with the outer level of the Annexation Expansion Area Map, but in some cases may not be due to unique characteristics that do not follow geographic boundaries

“Cluster Development” means a development in which building lots or building areas are clustered together in such a manner to allow for efficient access to public utilities, streets and other municipal services while providing perpetual open space for the enjoyment of those occupying the development or the public in general. In exchange for this perpetual open space the developer is granted development densities within the clustered sites greater than those allowed by the land use zone in which it is located

“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” means: That person listed on the annexation petition as the “Contact Sponsor”

“County” means Juab County

“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” means: A committee in each county composed of the mayor of each municipality within that county

“Owner of Real Property” means: The recorded title owner according to the records of the County Recorder

“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” means: The owner of real property, for purposes of each provision of this part that 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” means: *Up to 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,” with respect to real property, means: 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

“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

“Urban Development” means: A housing development with more than 15 residential “equivalent” 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

“Value of Private Real Property”: The value as determined according to the last assessment roll for county taxes before the annexation petition or protest.