

Nibley City Annexation Policy Plan



September 2018
Nibley City Corporation

Introduction

Utah law requires that all municipalities within the State adopt an Annexation Policy Plan (UCA10-2-4). In that Annexation Policy Plan, cities are required to develop an expansion area map and to plan for the future growth of the community for the next 20 years.

The Annexation Policy Plan is intended 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. As such, all neighboring communities, local districts, and the county are invited to participate in the drafting of this plan.

Nibley City's Core Values

The 2016 Nibley City General Plan outlines the character and core values of Nibley City as follows:

The residents of Nibley value their community as a great place to live and be a family. It is important to protect the pace of life and character of the City while providing appropriate facilities and services for its current and future residents.

Nibley's core values:

- *Pride in the City's history and heritage*
- *The rural character, scenic beauty, and natural resources of the area*
- *Nearby recreation opportunities*
- *Agricultural fields and open spaces*
- *A transportation system that promotes safe and efficient travel*
- *Recognizing and respecting private property rights*
- *Aesthetically pleasing design of development and public facilities*

(2016 Nibley City General Plan, pg. 6)

Consideration

In accordance with Utah Municipal Code 10-2-401.5, Nibley City considers the annexation of the unincorporated area using the following criteria:

1. The area is within the boundaries of an approved expansion area map (i.e. the Annexation Declaration Boundary as shown on the Future Land Use Map).
2. The area proposed for annexation shall be evaluated using the following standards for review:
 - a. Consistency with the general plan and the overall character of Nibley City;
 - b. The need for municipal services in developed and undeveloped unincorporated areas:
 - i. Plans for extension/expansion of municipal services;
 - ii. Plans to finance extension/expansion of municipal services.
 - c. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
 - d. The interests of all affected entities
3. Nibley City is required to justify the exclusion of developed areas within 1/2 mile of Nibley City's boundary from the expansion area. In general, there are not developed areas within 1/2 mile of Nibley City's boundary that have been excluded from the expansion area. However, some areas, which are already included in the expansion area or incorporated area of other municipalities (i.e. Logan, Hyrum, or Millville), have been excluded.
4. The map of the expansion area was, and shall be when modified or proposed to be modified, developed using the following criteria:
 - a. Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
 - b. Consider population growth projections for Nibley City and adjoining areas for the next 20 years;
 - c. Consider current and projected costs of infrastructure, urban services, and public facilities necessary:
 - i. to facilitate the full development of the area within Nibley City; and
 - ii. to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
 - d. Consider, in conjunction with Nibley City's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development; and,

- e. Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in Nibley City.

Municipal Services and Taxes

Nibley City has several master plans that address the future growth of City services. Anticipated municipal service needs and plans for expansion are provided in the: Water Master Plan; Parks, Trails, Recreation and Open Space Master Plan; Transportation Master Plan; Sewer Master Plan; Stormwater Master Plan; and Economic Development Plan. Planned and other expansion of municipal services will be financed primarily by impact fees and other negotiated development fees or exactions. The estimate of the tax consequences to residents, both currently within the municipal boundaries and in the expansion area, is a consideration of specific areas proposed for annexation and the proposed use. City staff have completed the analysis of property tax per acre and utility fee collection for specific types of development and will apply this when considering areas proposed for annexation. Nibley does not intend to raise taxes in order to support future annexations.

Population Growth

Nibley City is expecting strong population growth and increasing commercial demand within the City. Nibley City’s 2016 General Plan projected that the City would grow by 300% by 2060, as shown by the graphic taken from the Nibley City’s General Plan. This population growth will create opportunities for residential and commercial development. Nibley City’s General Plan, Future Land Use Map, and Master Plans will guide this growth, future land use, and zoning.

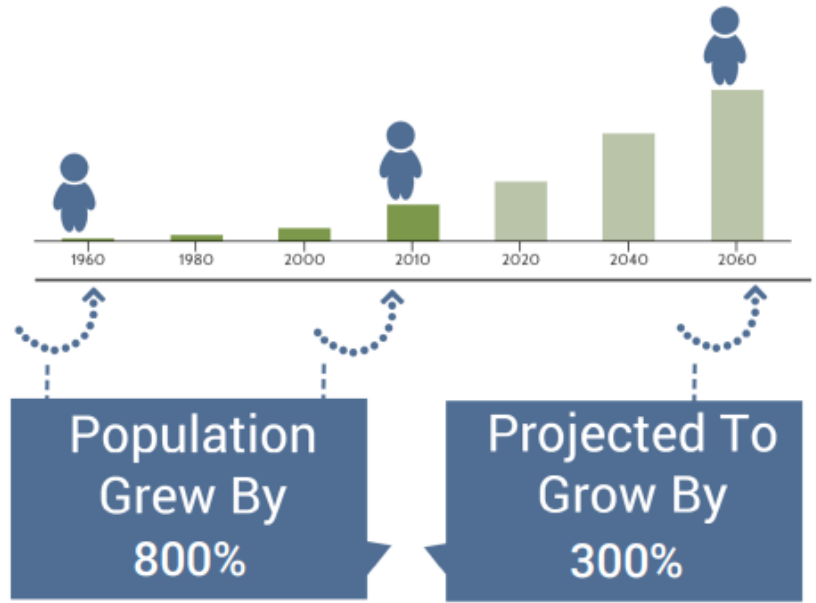


Table 2: Projected Population Growth

Census	Projections				
2010	2020	2030	2040	2050	2060
5,438	8,796	14,136	15,725	18,597	21,905

Source: Governor’s Office of Planning & Budget, 2012 Baseline Projections

Affected Entities Comments and Response

INVITED ORGANIZATIONS
MILLVILLE CITY
CACHE COUNTY
LOGAN CITY
HYRUM CITY
PROVIDENCE CITY HALL
WELLSVILLE CITY
NIBLEY-MILLEVILLE CEMETARY DISTRICT
CACHE COUNTY SCHOOL DISTRICT
LOGAN CITY SCHOOL DISTRICT

On July 26, 2018, a copy of the plan and an invitation was delivered to the organization listed to the left to give them an opportunity to provide feedback and attend the Planning Commission Meeting on August 8, 2018. This invite was to help the City to coordinate future growth in the area with other government organizations. Three of these entities sent comments to Nibley City in response to our invite. Below contains their comments and Nibley's response.

Entity	Entities' Comment	Nibley City Response
Logan City	"In regards to the parcels (03-001-0010 & 03-001-0013) located north of 2200nd South, we have identified those parcels as being within Logan City's Annexation Policy Plan since 2002 with plans to include those in Logan when they are ready for annexation. The inclusion of these parcels into Nibley's Annexation Policy Plan is contrary to UMC 10-2-401.5(4) which states that an annexation plan should avoid gaps or overlaps with other municipalities."	Nibley City has maintained those parcels within the Nibley City annexation area since the City could supply service to those property effecently. The City also wishes to maintain those parcels within the Nibley's annexation boundary since any future development there would have an impact on our two parks to the South, and the kids would attend schools within Nibley City.
Wellsville	"We do want to register concern that your proposed annexation plan overlaps the existing Wellsville City Annexation Policy Plan in the north of the city on both side of Highway 89/91."	Nibley City reaches out and requested a map from Wellsville to get more details. No change was made to our map.
Hyrum	Hyrum sent a map of a recent annexation into their City that was proposed on the Nibley City annexation area.	Made adjustments to the annexation map to remove the newly annexed parcels into Hyrum from Nibley's annexation area.

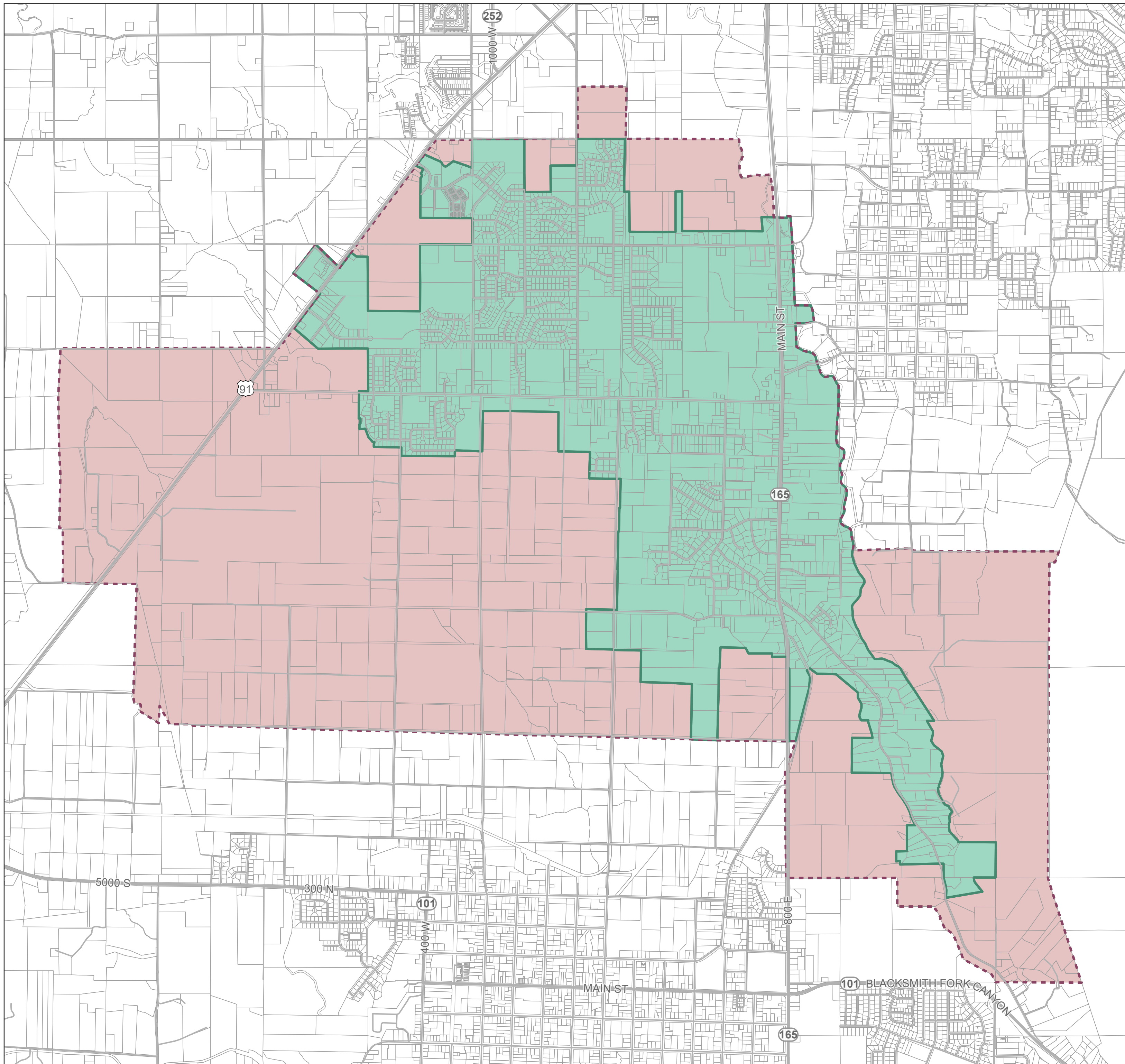
Nibley City

Annexation Declaration Boundary

8/22/2018

 Nibley City Boundary

 Annexation Declaration Boundary



This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of J-U-B Engineers, Inc., and is not to be used, in whole or part, for any other project without the express written authorization of J-U-B Engineers, Inc.



0 0.5 1 Miles



J-U-B ENGINEERS, INC.



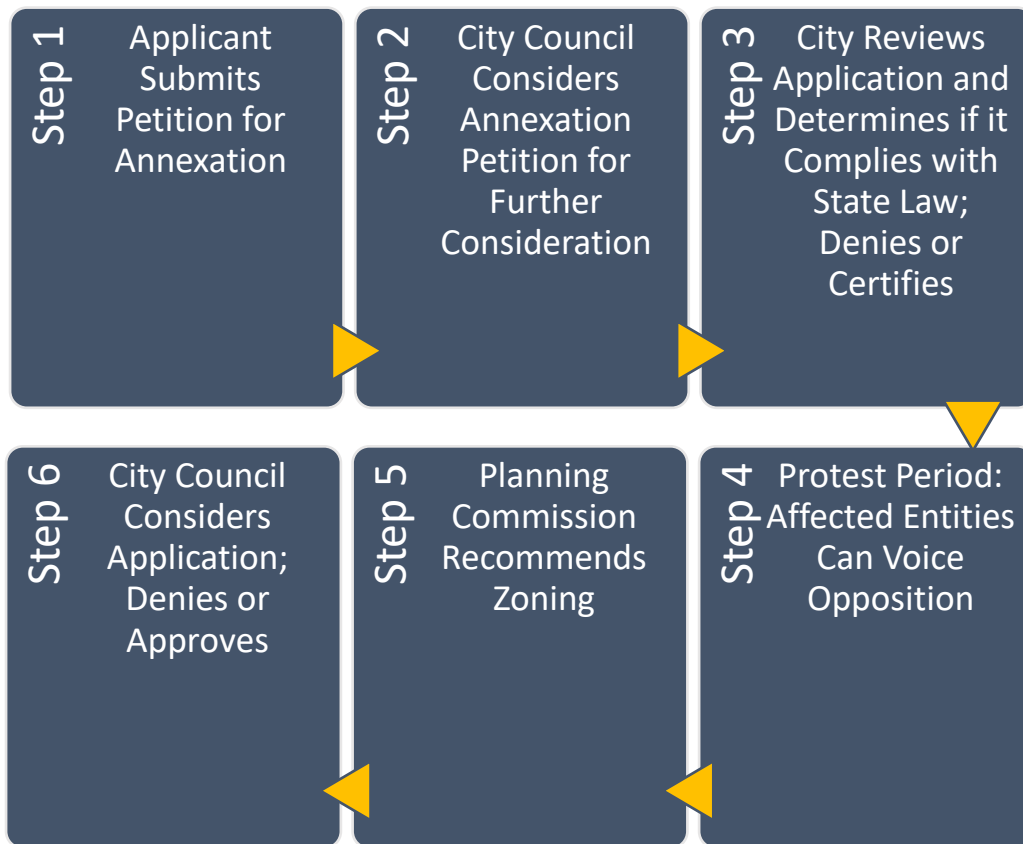
OTHER J-U-B COMPANIES



OTHER J-U-B COMPANIES

Annexation Petition Process

The following outlines the current steps for annexation as required by Utah Law as of July 2018. These steps are subject to change depending on state law. Nibley City's intention is to follow state law with each annexation it considers.



The area proposed for annexation must meet the following requirements (UCA 10-2-402):

1. The area proposed to be annexed must be a contiguous, unincorporated area that is contiguous to the municipality, see UCA 10-2-402(1)(a); and
 - a. Does not leave or create an unincorporated island or peninsula (except as provided by UCA 10-2-418(1)(b); or unless the county and the municipality have otherwise agreed, see UCA 10-2-402(1)(b)(iii), and;
 - b. Is located within the annexing municipality's proposed expansion area, see UCA 10-2-402(1)(b)(iv); and
2. The area to be annexed must include whole parcels only, unless the owner of a parcel of which only a part is desired to be annexed joins in the petition. See UCA 10-2-402(3).

3. An area cannot be annexed for the sole purpose of acquiring municipal revenue or to impede the capacity of another municipality to annex the same area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services. See UCA 10-2-402 (4).

Petition Requirements (UCA 10-2-403)

1. Be filed with the city recorder. See UCA 10-2-403(3)(a).
2. Contain the signatures of:
 - a. Owners of a majority of the private land area located within the proposed annexation area (property must be equal to at least one-third (1/3) of the value of all private property located within the proposed annexation area, see UCA 10-2-403(3)(b)(ii)(A) & (iii);
 - b. Owners of 100% of rural real property within the area proposed for annexation, see UCA 10-2-403(3)(b)(ii)(B) and UCA 17B-2a-1107; and
 - c. Owners of 100% of the private land area within the proposed annexation area if the area is within an agricultural protection area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 17-41-101 *et seq.*, or a migratory bird production area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 23-28-101 *et seq.*; or
 - d. The owner of all the publicly owned property if all property in the proposed annexation area is owned by a public entity other than the federal government. See UCA 10-2-403(3)(b).
3. Be accompanied by an accurate and recordable map, prepared by a licensed surveyor, of the proposed annexation area. See UCA 10-2-403(3)(c)(i).
4. Designate five (5) signers as sponsors, one of whom is designated as the contact sponsor and include mailing addresses of all sponsors. See UCA 10-2-403(3)(f).
5. If the proposed annexation area includes property from another county, the petition must also include a resolution from that county's county commission approving the proposed annexation. (as detailed above).
6. The proposed annexation area cannot include an area that was included in a previously filed petition that has not been denied, rejected, or granted by the City. See UCA 10-2-403(4).
7. In addition to delivery of the petition to the city recorder, on the date of filing, the petition sponsors must deliver or mail a copy of the petition to the clerk of the county in which the area proposed for annexation is located. See UCA 10-2-403(7).

City Council Review UCA 10-2-405

The City Council may deny or accept the petition for further consideration. See UCA 10-2-405(1)(a)(i). (Note: the petition is considered to have been accepted for further consideration if the city council does not act on the petition at the next regularly scheduled meeting of the city council that is at least fourteen (14) days after the date the petition was filed. See UCA 10-2-405(1)(a)(ii).)

DENIED – Mail written notice of denial within five (5) days after the denial to:

- a. The petition’s contact sponsor;
- b. The clerk of the county in which the area proposed for annexation is located. See UCA 10-2-405(1)(b).

ACCEPTED FOR FURTHER CONSIDERATION – Within thirty (30) days of acceptance for further consideration, the city recorder shall:

- a. Obtain from the county assessor, clerk, surveyor, and recorder of the county in which the proposed annexation area is located the records the city recorder needs to determine whether the petition meets the petition requirements (as explained above), See UCA 10-2-405(2)(a); and
- b. With the assistance of the city attorney, determine whether the petition meets the petition requirements. See UCA 10-2-405(2)(b).

If the petition meets the petition requirements, the city recorder must:

- a. Certify the petition; and
- b. Mail or deliver written notice of certification to:
 - i. The city council body;
 - ii. The contact sponsor; and
 - iii. The county legislative body. See UCA 10-2-405(2)(c)(i).

If the petition fails to meet the petition requirements, the city recorder must:

- a. Reject the petition; and
- b. Mail or deliver notice of rejection and the reasons the petition was rejected to:
 - i. The city council body;
 - ii. The contact sponsor; and
 - iii. The county legislative body. See UCA 10-2-405(2)(c)(i).

Publishing & Providing Notice of Certified Petition UCA 10-2-406

After receiving notice of certification of the petition from the city recorder, the City Council shall:

1. Public notice once at least once a week for three (3) successive weeks, beginning no later than ten (10) days after receiving notice of the certification in the newspaper of general circulation within:
 - a. The proposed annexation area; and
 - b. The unincorporated area within one-half (1/2) mile of the proposed annexation area; and

- c. In accordance with UCA 45-1-101, legal notice publication requirements for three (3) weeks, beginning no later than ten (10) days after receiving notice of the certification. See UCA 10-2-406(1)(a).
2. Within twenty (20) days of receiving notice of the certification of the petition, mail notice to each affected entity. See UCA 10-2-406(1)(b). “Affected entity” means:
 - a. County of the first or second class in whose unincorporated area the area proposed for annexation is located;
 - b. A county of the third, fourth, fifth, or sixth class in whose unincorporated area proposed for annexation is located, if the area included residents or commercial or industrial development;
 - c. A local district under Title 17B, Limited Purpose Local Government Entities – Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, whose boundary includes any part of an area proposed for annexation;
 - d. A school district whose boundary includes any part of an area proposed for annexation, if the boundary is proposed to be adjusted as a result of the annexation; and
 - e. A municipality whose boundaries are within 1/2 mile of an area proposed for annexation UCA 10-2-401(1)(a).

The published and mailed notices shall:

1. State that a petition has been filed proposing annexation;
2. Provide the date the city council received notification of the certified petition;
3. Describe the area proposed to be annexed;
4. State that the complete petition is available for inspection and copying at the city recorder’s office;
5. State that the city council may grant the petition unless, within thirty (30) days after the city council received notice of the certified petition, a written protest is filed with the commission and a copy of the written protest is delivered to the city recorder of the proposed annexing municipality;
6. Provide the address of the commission, or if one has not yet been created, the address of the county clerk, where a protest to the petition may be filed;
7. Provide the action date that is thirty (30) days after the notice is published by which written protests must be filed;
8. (if applicable) state that the proposed annexation area will be annexed to a local district providing emergency services if (a) the city lies entirely within a local district’s boundaries that provides emergency services and an election was not required to form the district, and (b) the area to be annexed does not already lie within the boundaries of a local district; and
9. (if applicable) state that the area will be automatically withdrawn from a local district providing emergency services if (a) the petition proposed annexation of an area that lies within a local district that provides emergency services in the creation of which an election

was not required to form the district, and (b) the city is not within the boundaries of the local district.

Planning Commission Review and Zoning Recommendation

The Nibley City Planning Commission's responsibility is to recommend zoning of the subject parcels if annexed. An annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the Nibley Municipal Code. The Planning Commission shall hold a public hearing and recommend zoning prior to the final review of the annexation petition.

Final Review by City Council UCA 10-2-407 and 408

DENIAL OF ANNEXATION – If the city council denies the annexation, it must provide written notice within five (5) days after denial to:

- a. The petition's contact sponsor;
- b. The commission; and
- c. Each entity that filed a protest. See UCA 10-2-407(3)(a)(ii).

APPROVAL OF ANNEXATION – No timely Protest

If no protest was timely filed, the city council may approve the petition after holding a public hearing for which written notice was provided for at least seven (7) days before the hearing in:

- f. A newspaper of general circulation within the municipality and the area proposed for annexation; or if there is no newspaper in those areas, posted in conspicuous places most likely to give notice; and
- g. Posted on the Utah Public Notice Website (<http://www.utah.gov/pmn/index.html>). See UCA 10-2-407(3)(b).

APPROVAL OF ANNEXATION – After receipt of the commission's decision

If the city council waits to take further action until after receipt of the commission's decision on a protest, upon receipt of the decision the city council may either:

- a. Deny the petition; or
- b. Approve the annexation consistent with the commission's decision. See UCA 10-2-408(1).

Zoning of the Subject Parcels by the City Council

In the case of zoning, an annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the Nibley Municipal Code. The City Council shall hold a public hearing and approve zoning of the subject parcels considering the recommendation of the Planning Commission. The City Council and Planning Commission intends to follow the General Plan and Future Land Use Map as the primary guide in zoning decision.