



## Leeds Annexation Policy Plan

May 2022



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## **2. General Information and Background**

The Town of Leeds (hereafter referred to as “Town”) was established in 1869. Since the incorporation of the Town, several annexations have occurred. As growth and development has occurred throughout the State, the State Legislature has adopted legislation to reduce unincorporated areas and promote the annexation of unincorporated islands and peninsulas. This Annexation Policy Plan (hereafter referred to as the “Plan”) will replace any prior annexation documents and is designed to eliminate islands and peninsulas surrounding the Town. Washington County (hereafter referred to as the “County”) has supported cities and towns annexations of unincorporated area, thus minimizing impacts upon the County and provides for larger communities to establish more consistent and homogeneous growth.

Annexation decisions are typically irreversible and permanent. This Plan determines what areas will become part of the Town’s political community, and which areas will be able to grow into a larger more consistent municipality. Ideally, annexations should be as agreeable and advantageous as possible to the applicable affected entities.

Towns annex properties into their boundaries for several reasons, including but not limited to:

- Promote planning and development for unincorporated areas adjacent to a municipality which may share or support the basic character of a municipality.
- Extend municipal services to an unincorporated area.
- Minimize services and infrastructure gaps along the border of unincorporated area.
- Support the tax base and economy of a municipality.
- Eliminate unincorporated islands and peninsulas along with the confusion and frustration over boundaries between the County and municipalities.
- Extend community vitality and connection.
- Improve and recreation services and programs.

## **3. Purpose and Introduction**

Utah law requires that all municipalities within the State adopt an Annexation Policy Plan ([UCA 10-2-401.5](#)). In that Annexation Policy Plan, cities are required to develop an expansion area map and to plan for the future well-planned and cohesive growth of the town for the next 20 years.

The Annexation Policy Plan is intended to guide decision-making regarding future annexations. It also helps the Town plan for future expansion in conjunction with neighboring political entities. Open communication between the Town and other towns or cities, 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.

The Town has an established common boundary along its easterly boundary with the City of Toquerville; and while it doesn’t share a common boundary, the City of Hurricane’s most northerly point is slightly less

than one mile to the southwest from the Town's southwesterly boundary; and near the Town's westerly boundary lies the Dixie National Forest, with the Cottonwood Forest Wilderness, which is located to the west, northwest and north of the Town. Through this Annexation Policy Plan, the Town has identified a total of approximately 2,603 acres on the Annexation Policy Plan Map (approximately 417 acres in a peninsula area easterly of Interstate 15, approximately 1,673 acres in a peninsula area and other properties northerly of the Town, and westerly of Interstate 15, approximately 53 acres in a peninsula area located along the Town's southerly boundary and another approximately 460 acres west of Interstate 15); and the Town may, as requested by the owners of those properties, annex said properties provided there is the ability to provide adequate public services, if necessary; and is deemed beneficial to the Town to incorporate that land. (*Town of Leeds General Plan, Section 2.5, Annexations (pg. 6)*).

## **4. Consideration**

In accordance with UCA 10-2-401.5, the Town must consider the annexation of the unincorporated area using the following criteria:

- A. The properties are within the boundaries of an approved Annexation Policy Plan Map (*Figure 1*).
- B. The area proposed for annexation shall be evaluated using the following standards for review:
  1. Consistency with the general plan and the overall character of the Town,
  2. The need for municipal services in developed and undeveloped unincorporated areas:
    - a. Plans for extension/expansion of municipal services;
    - b. Plans to finance extension/expansion of municipal services.
  3. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
  4. The interests of all affected entities.
- C. The map of the expansion area was, and shall be when modified or proposed to be modified, developed using the following criteria:
  1. Attempt to avoid gaps between or overlaps with the expansion areas of other towns or cities;
  2. Consider population growth projections for the Town and adjoining areas for the next 20 years;
  3. Consider current and projected costs of infrastructure, urban services, and public facilities necessary:

- a. to facilitate the full development of the area within the Town; and,
  - b. to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
4. Consider, in conjunction with the Town's General Plan, the need over the next 20 years for additional land suitable for residential, and commercial development; and,
  5. Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the Town.

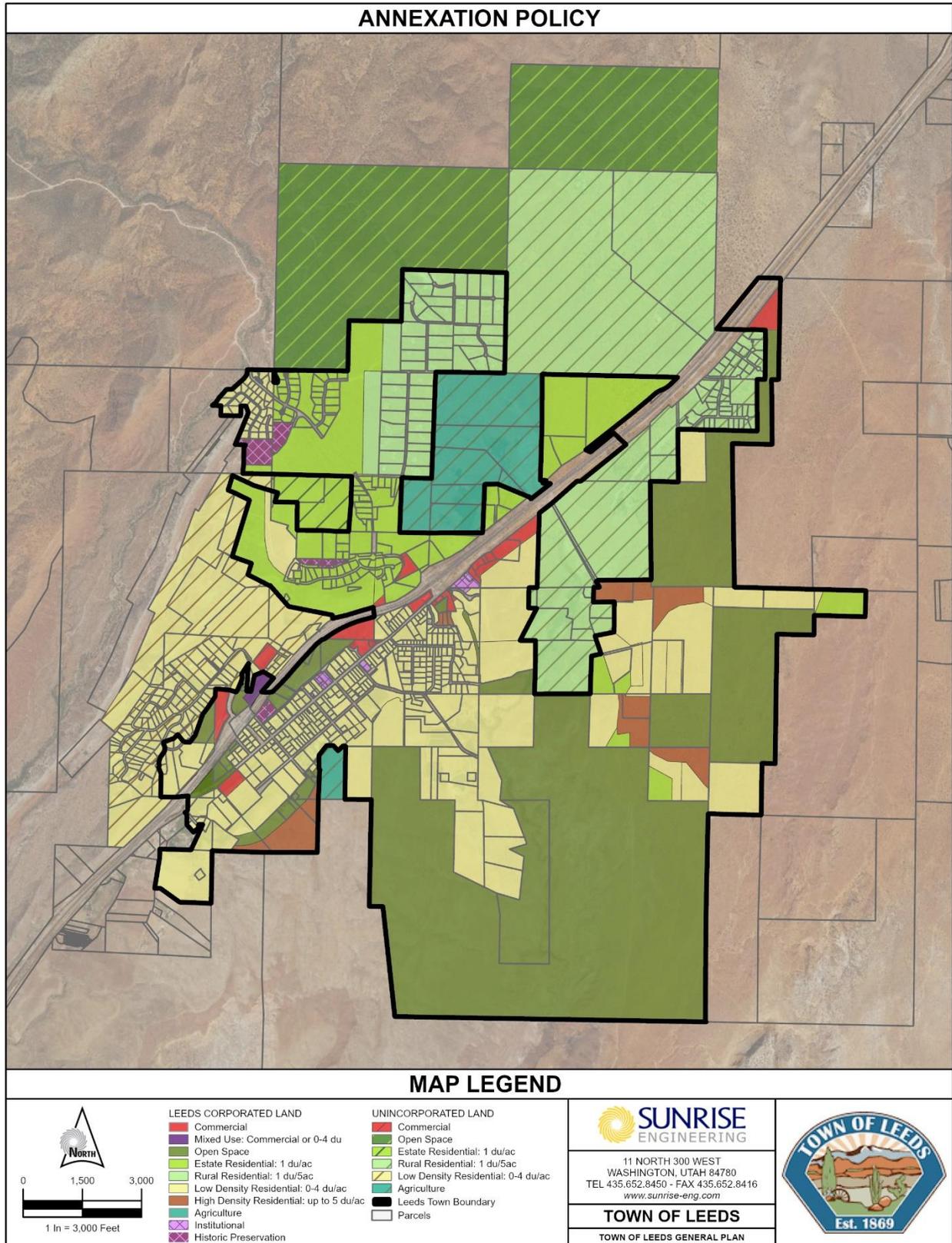


Figure 1

## 5. Annexation Petition Process

The following outlines the current steps for annexation as required by Utah Law as of April 2022. These steps are subject to change depending on State law. The Town's intention is to follow State law with each annexation it considers.



Figure 2

## 5.1 The property(ies) proposed for annexation must meet the following requirements (UCA 10-2-402):

- A. The area proposed to be annexed must be a contiguous, unincorporated area that is contiguous to the municipality ([UCA 10-2-402\(1\)\(a\)](#)); and,
  - 1. Does not leave or create an unincorporated island or peninsula, except as provided by UCA 10-2-418(3); or unless the county and the municipality have otherwise agreed, ([UCA 10-2-402\(1\)\(b\)\(iii\)](#)); and,
  - 2. Is located within the annexing municipality's proposed expansion area ([UCA 10-2-402\(1\)\(b\)\(iv\)](#)); and,
- B. 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. ([UCA 10-2-402\(3\)](#))
- C. 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. ([UCA 10-2-402 \(4\)](#))

## 5.2 Petition Requirements (UCA 10-2-403)

- A. Be filed with the Town Clerk. ([UCA 10-2-403\(3\)\(a\)](#))
- B. Contain the signatures of:
  - 1. 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, ([UCA 10-2-403\(3\)\(b\)\(ii\)\(A\) & \(iii\)](#));
  - 2. Owners of 100% of rural real property within the area proposed for annexation, ([UCA 10-2-403\(3\)\(b\)\(ii\)\(B\)](#) and [UCA 17B-2a-1107](#)); and,
  - 3. Owners of 100% of the private land area within the proposed annexation area if the area is within an agricultural protection area, ([UCA 10-2-403\(3\)\(b\)\(ii\)\(C\)](#) and [UCA 17-41-101 et seq.](#)), or a migratory bird production area, ([UCA 10-2-403\(3\)\(b\)\(ii\)\(C\)](#) and [UCA 23-28-101 et seq.](#)); or,
  - 4. 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. ([UCA 10-2-403\(3\)\(b\)](#))

- C. Be accompanied by an accurate and recordable map, prepared by a licensed surveyor in accordance with UCA Section 17-23-20, of the area proposed for annexation. [\(UCA 10-2-403\(3\)\(c\)\(i\)\)](#)
- D. Designate up to five (5) of the signers of the petition as sponsors, one of whom is designated as the contact sponsor, and the mailing address of each sponsor. [\(UCA 10-2-403\(3\)\(f\)\)](#)
- E. 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).
- F. A petition may not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted. [\(UCA 10-2-403\(4\)\)](#)
- G. In addition to delivery of the petition to the Town clerk, 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. [\(UCA 10-2-403\(6\)\)](#)

### 5.3 Town Council Review [\(UCA 10-2-405\)](#)

The Town Council may deny or accept the petition for further consideration. [\(UCA 10-2-405\(1\)\(a\)\(i\)\)](#) The petition shall be considered to have been accepted for further consideration if the Town Council fails to act to deny or accept the petition at the next regularly scheduled meeting of the Town Council that is at least fourteen (14) days after the date the petition was filed. [\(UCA 10-2-405\(1\)\(a\)\(ii\)\)](#)

If the Town Council denies a petition, it shall, within five (5) days after the denial, mail written notice of denial to:

- a. The petition's contact sponsor; and,
- b. The clerk of the county in which the area proposed for annexation is located. [\(UCA 10-2-405\(1\)\(b\)\)](#)

If the Town Council accepts a petition or is considered to have accepted a petition under UCA 10-2-405(1)(a)(ii), the Town Clerk, as the case may be, shall, within 30 days after that acceptance:

1. Obtain from the assessor, clerk, surveyor, and recorder of the county in which the proposed annexation area is located, the records the Town Clerk needs to determine whether the petition meets the requirements of UCA 10-2-403(3) and (4). [\(UCA 10-2-405\(2\)\(a\)\)](#); and,
2. With the assistance of the Town attorney, determine whether the petition meets the petition requirements. [\(UCA 10-2-405\(2\)\(b\)\)](#)

3. If the petition meets the petition requirements, the Town Clerk must:
  - a. Certify the petition; and,
  - b. Mail or deliver written notice of certification to:
    - i The Town Council;
    - ii The contact sponsor; and,
    - iii The County legislative body. [UCA 10-2-405\(2\)\(c\)\(i\)](#)
4. Or, if the Town Clerk determines the petition fails to meet the petition requirements, the Clerk shall reject the petition and:
  - a. Mail or deliver notice of rejection and the reasons the petition was rejected to:
    - i The Town Council;
    - ii The contact sponsor; and,
    - iii The County legislative body. [UCA 10-2-405\(2\)\(c\)\(i\)](#)

## 5.4 Publishing & Providing Notice of Certified Petition (UCA 10-2-406)

After receiving notice of certification of the petition from the Town Clerk, the Town Council shall provide notice as follows:

1. Within the area proposed for annexation and the unincorporated area within 1/2 mile of the area proposed for annexation, no later than 10 days after the day on which the Town Council receives the notice of certification:
  - a. By posting one notice in a place within the combined area that is most likely to give notice to the residents within, and the owners of real property located within, the combined area or,
  - b. By mailing the notice to each residence within, and to each owner of real property located within, the combined area;
  - c. By posting notice on the Utah Public Notice Website, created in UCA Section 63A-16-

601, for three weeks, beginning no later than 10 days after the day on which the Town Council receives the notice of certification;

- d. Within 20 days after the day on which the Town Council receives the notice of certification, by mailing written notice to each affected entity,
  - i “Affected entity” means:
    - ii County of the first or second class in whose unincorporated area the area proposed for annexation is located;
    - iii or industrial development;
    - iv 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;
    - v 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,
    - vi A municipality whose boundaries are within ½ mile of an area proposed for annexation, ([UCA 10-2-401\(1\)\(a\)](#))
- e. And, posting a notice on the Town’s website for the period of time described in UCA 10-2-406(1)(b). ([UCA 10-2-406\(1\)](#))

2. The published and mailed notices shall:

- a. State that a petition has been filed proposing the annexation of an area to the Town of Leeds;
- b. Provide the date the Town Council received notification of the certified petition;
- c. Describe the area proposed for annexation in the annexation petition;
- d. State that the complete petition is available for inspection and copying at the Town Clerk’s office;
- e. State in conspicuous and plain terms that the Town Council may grant the petition and annex the area described in the petition unless, within thirty (30) days after the Town Council received notice of the certified petition, a written protest to the annexation petition is filed with the Commission and a copy of the written protest is delivered to the

Town Clerk;

- f. 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;
- g. Provide the action date that is thirty (30) days after the notice is published by which written protests must be filed;
- h. State that the area proposed for annexation to the Town will also automatically be annexed to a local district providing fire protection, paramedic, and emergency services or a local district providing law enforcement service, as the case may be, as provided in [UCA 17B-1-416](#), if:
  - i the Town is entirely within a boundary of a local district that provides fire protection, paramedic, and emergency services or law enforcement service, respectively; and,
  - ii in the creation of which an election was not required because of [UCA 17B-1-214\(3\)\(c\)](#); and,
  - iii the area to be annexed to the Town is not already within the boundaries of the local district; and,
- i. State that the area will be automatically withdrawn from a local district providing fire protection, paramedic, and emergency services or a local district providing law enforcement service, as the case may be, as provided in [UCA 17B-1-502\(2\)](#), and,
  - i 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,
  - ii in the creation of which an election was not required because of [UCA 17B-1-214\(3\)\(c\)](#); and,
  - iii The Town is not within the boundaries of the local district.

## 5.5 Planning Commission Review and Zoning Recommendation

The Town 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 Town's Municipal Code. The Planning Commission shall hold a public hearing and recommend zoning prior to the final review of the annexation petition.

## 5.6 Final Review by Town Council (*UCA 10-2-407 and 408*)

DENIAL OF ANNEXATION – If the Town 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. ([UCA 10-2-407\(3\)\(a\)\(ii\)](#))

APPROVAL OF ANNEXATION – No timely Protest.

If no protest was timely filed, the Town 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:

- a. 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,
- b. Posted on the Utah Public Notice Website (<http://www.utah.gov/pmn/index.html>). ([UCA 10-2-407\(3\)\(b\)](#))

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

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

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

## 5.7 Zoning of the Subject Parcels by the Town Council

In the case of zoning, an annexation petition shall be treated the same as a petition for zone change. The Town Council shall approve zoning of the subject parcel(s) considering the recommendation of the Planning Commission. The Town Council and Planning Commission intends to follow the General Plan and Future Land Use Map as the primary guide in zoning decision.