



Planning Commission Meeting

Tuesday, November 5, 2024 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen,
Commissioner Mary Cokenour, Commissioner Jeremy Hoggard, Assistant
City Manager Megan Gallegos, City Recorder Melissa Gill

Meeting Location: 648 S Hideout Way

1. Call to Order

2. Minutes Review/Approval (action)

Attachments:

- **2024-10-01 PC** (2024-10-01_PC.pdf)

3. Public Comment

4. Consider Recommendation to City Council: §10-2 Landscape Standards (discussion/action)

Attachments:

- **Landscaping** (Landscaping.pdf)

5. Consider Recommendation to City Council: §10-17 Tiny Home Park (discussion/action)

Attachments:

- **Tiny Home Park** (Tiny_Home_Park.pdf)

6. Building permit Update (discussion)

Attachments:

- **Building permits** (Building_permits.pdf)

7. Annexation Policy Revision (discussion)

Attachments:

- **Annexation Attorney Notes** (Annexation_Attorney_Notes.pdf)
- **Annexation Policy 2003** (Annexation_Policy_2003.pdf)

8. Administrative Communications

9. Next Meeting Agenda

10. Adjournment (action)

Audio File

THE PUBLIC IS INVITED TO ATTEND ALL CITY MEETINGS In accordance with the Americans with Disabilities Act, anyone needing special accommodations to attend a meeting may contact the City Office, 587-2271, at least three working days prior to the meeting. City Council may adjourn to closed session by majority vote, pursuant to Utah Code §52-4-4 & 5

Contact: Melissa Gill (melissa@monticelloutah.org 435-587-2271) | Agenda published on 11/01/2024 at 11:42 AM



Planning Commission Meeting

Minutes

Tuesday, October 1, 2024 at 6:30 pm

Attendees: Chairperson Lee Bennett, Commissioner Robert Christensen, Commissioner Mary Cokenour, Assistant City Manager Megan Gallegos, City Recorder Melissa Gill (Excused), Deputy Recorder Jasmine Nielson

Meeting Location: 648 S Hideout Way

1. Call to Order

Minutes:

Chairperson Bennett called to order the Monticello City Planning Commission meeting at 6:32 pm. The following visitors were present: Councilmember Dunn

2. Minutes Review/Approval (action)

Minutes:

Motion to approve the minutes of July 2, 2024, with the addition of May 7, 2024 approval of minutes motioned by Commissioner Christensen and seconded by Commissioner Cokenour, was made by Commissioner Cokenour and seconded by Chairperson Bennett. The motion passed unanimously.

Vote results:

Ayes: 2 / Nays: 0

3. Public Comment

Minutes:

There was no public present for comment.

4. Public Hearing: §10-2 Landscape Standards Update (discussion)

Minutes:

Chairperson Bennett opened the public hearing for Title 10-2 Landscape Standards at 6:35 pm. There was no public present to comment. Hearing no comments Chairperson Bennett motioned to close the public hearing at 6:37 pm and was seconded by Commissioner Cokenour. The motion passed unanimously.

Vote results:

Ayes: 2 / Nays: 0

5. Public Hearing: §10-17 Tiny Home Park (discussion)

Minutes:

Chairperson Bennett opened the public hearing for Title 10-17 Tiny Home Park Standards at 6:38 pm. There was no public present to comment. Hearing no comments Chairperson Bennett motioned to close the public hearing at 6:39 pm and was seconded by Commissioner Cokenour.

The motion passed unanimously.

Vote results:

Ayes: 2 / Nays: 0

6. Administrative Communications

Minutes:

Chairperson Bennett inquired on the Status of The San Juan County Housing Plan. Assistant City Manager Gallegos stated that she had not received an update from the County regarding it.

Gallegos informed the Commission that the Monticello City Council approved Ordinance 2024-5 which allows for a three person Planning Commission and provides a \$40.00 per diem for each meeting attended. She expressed gratitude for all the planning commission does for the City of Monticello.

Gallegos further informed the Commission that San Juan County Hospital will be holding a groundbreaking ceremony on October 10, 2024. While the land is currently out of the city limits, the plan is for them to annex into the city before occupation.

There was a discussion on code enforcement within the city.

7. Next Meeting Agenda

Minutes:

Annexation Policy Update - Consider Recommendation to City Council: §10-2 Landscape Standards and §10-17 Tiny Home Park - Building Permit Update

8. Adjournment (action)

Minutes:

Motion to adjourn was made by Commissioner Cokenour at 6:55 pm and seconded by Chairperson Bennett. The motion passed unanimously.

Vote results:

Ayes: 2 / Nays: 2

Audio File

[https://soundcloud.com/user-250815044/2024-10-01-planning-commissionion?](https://soundcloud.com/user-250815044/2024-10-01-planning-commissionion?si=e38054089c80491fbc6627a8cee98edd&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

[si=e38054089c80491fbc6627a8cee98edd&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing](https://soundcloud.com/user-250815044/2024-10-01-planning-commissionion?si=e38054089c80491fbc6627a8cee98edd&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

Notice of Special Accommodations

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DISCUSSION DOCUMENT FOR PLANNING COMMISSION

(revised August 20, 2024)

EXISTING CODE

Title 10-5-21: [A-1]: Front yards and side yards of all dwellings and bunkhouses which front on city streets must be landscaped (Ord. 2012-01, 7/10/2012)

Title 10-6-22: [R-1]: Front yards and side yards of all dwellings which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

TITLE 10-7-21: [R-2]: Front yards and side yards of all dwellings which front on city streets must be landscaped. (Ord. 2012-01, 7-10-2012)

CHANGE FOR DISCUSSION BY PLANNING COMMISSION

Remove existing landscaping requirements for individual titles (above) and replace with

Title **10-2-X**: LANDSCAPING REQUIRED:

A. For completed residential buildings and permitted business uses with existing landscapes in place on or prior to April 23, 2024

1. Front yards and side yards of all residential buildings which front on city streets must be landscaped;
2. Front yards and side yards of permitted business uses shall be landscaped unless paved as part of a sidewalk or parking area;
3. Any changes to existing landscapes made after April 23, 2024 shall consider water efficient techniques including but not limited to the reduction of grass in front and side yards.

B. For new residential buildings and permitted business uses under development after April 23, 2024

1. No lawn shall be laid in parking strips or areas less than eight (8) feet in width;
2. No more than fifty percent (50%) of front and side yards of residential buildings shall be lawn unless the residential lot has less than 250 square feet of landscaped area;
3. Lawns in common areas in the C-1, C-2, I-1, and R-2 zones shall not exceed twenty percent (20%) of the total landscaped area outside of active recreation areas.
4. Lawns in common areas at schools, churches, mobile home parks, and tiny home parks shall not exceed twenty percent (20%) of the total landscaped area outside of active recreation areas.
5. Active recreation area shall mean the same as defined in Utah Code 11-39-108 Use of Lawn or Turf

DISCUSSION PAPER FOR PLANNING COMMISSION USE

TITLE 10 ZONING REGULATIONS

CHAPTER 17 TINY HOME PARK

This is a proposed new chapter in Title 10

SECTION:

- 10-17-1: Intent
- 11-17-2: General Requirements and Limitations
- 10-17-3: Development Standards
- 10-17-4: Preliminary Plat Required
- 10-17-5: Documentation Required
- 10-17-6: Review And Approval Of Preliminary Plat And Documentation
- 10-17-7: Approval Of Final Plat And Documentition:
- 10-17-8: Operational Requirements:
- 10-17-9: Storage Of Junk, Debris, Or Unlicensed Inoperable Vehicles Prohibited

10-17-1: INTENT:

- A. The tiny home park is intended to increase housing density on the property enclosed by the tiny home park exterior boundary
- B. The intent of this chapter is to promote the health, safety, convenience and general welfare of the present and future inhabitants of the tiny home park.

10-17-2: GENERAL REQUIREMENTS AND LIMITATIONS:

- A. Tiny Home is the same as that defined in 10-1-4 of city code.
- B. All tiny home parks hereafter constructed within the city shall be located only in zones C-1 Commercial and R-2 Residential.
- C. Accessory Dwelling Units shall not be permitted within the tiny home park.
- D. Garages shall not be permitted within the tiny home park. As used in this title, garage means a permanent structure on a foundation, with side and end walls, and a roof.

- E. Preservation Of Land: Trees, native land cover, natural watercourses, and topography shall be preserved when possible, and the tiny home park shall be so designed as to prevent excessive grading and scarring of the landscape in concordance with the provision of this title.
- F. In addition to meeting the requirements of this section and conforming to all other laws of the city, all tiny home parks shall also conform to building, electrical, plumbing, and fire codes adopted by the city.
- G. Cost of improvements which are required under the provisions of this title, as well as the cost of other improvements which the developer may install, shall be at the expense of the developer.

10-17-3: DEVELOPMENT STANDARDS:

- A. The development of a tiny home park shall conform to the following regulations and standards:
 - 1. The area to be developed as a tiny home park shall be in one ownership and the same shall not be subdivided.
 - 2. The minimum number of tiny home spaces within the park shall be three (3) and development of additional spaces within the park shall be the number necessary to occupy at least sixty percent (60%) of the entire tiny home park land area.
 - 3. The preliminary plat required by this chapter must be prepared by an engineer, land surveyor, architect or landscape architect licensed to practice in the state.
 - 4. The minimum site size for a tiny home park shall be two-thousand seven hundred (2,700) square feet per tiny home space.
 - 5. The tiny home park shall include
 - a. A common area not less than ten by thirty feet (10 x 30 feet) in size for the use and enjoyment of tiny home park residents;
 - b. A common parking area for use by guests of tiny home park residents
 - 1) The number of parking spaces shall be one per tiny home park unit; and
 - 2) Parking spaces size shall conform with 10-2-1 Off Street Parking Requirements of city code; and
 - 3) Surface of the parking area may be gravel, concrete, or asphalt; and
 - 4) Common parking area shall not be used for storage of trailers, vehicles, or other items owned by a resident of the tiny home park.
 - c. Residential off street parking shall be provided at the rate of two (2) parking spaces per tiny home and
 - 1) Shall be contained within each tiny home space served; and
 - 2) Shall be for the use of the tiny home resident(s) of that space; and
 - 3) Shall be at least eighteen by eighteen feet (18 x 18 ft) in size and shall be surfaced with gravel, concrete, or asphalt.
 - 6. All tiny homes must have their driveway access from a street within the tiny home park and not from a public street exterior to the tiny home park.
 - 7. Setback requirements for placement of tiny homes within the tiny home park:

- a. Rear setback shall be ten feet (10 ft) from the tiny home park rear lot line;
 - b. Side setback shall be a minimum of ten feet (10 ft) from the closest neighboring tiny home;
 - c. Front setback shall be twenty feet (20 ft) from the edge of the internal access road for the tiny home park
8. Accessory Buildings; Compatibility:
 - a. Any accessory building used to provide service within the tiny home park shall not exceed six hundred (600) square feet, except one service building may be combined with another service building on a single foundation of eight hundred (800) square feet;
 - b. Other accessory buildings including carports may not exceed two hundred (200) square feet in size.
 - c. All patios, carports and other accessory buildings must be of compatible design and construction to the tiny homes, and meet setback requirements as specified in this code.
 - d. As used in this section carport means a detached structure without a permanent foundation and which has no enclosed end or side walls.
9. Any street within the park shall be constructed to the standards specified in Title 7 Public Ways and Property of city code.
10. There shall be no more than two (2) entrances from the tiny home park into any one public street, and the entrances shall be no closer than twenty five feet (25') from each other, nor closer than seventy feet (70') to the corner of an intersection.
11. A utility easement shall be reserved to the city across the public street frontage of the tiny home park, said easement to extend at least fifteen (15) feet back of curb or in the absence of a curb, back of pavement.
 - a. A city issued trash receptacle for use of all residents in the park shall be placed in the easement in accordance with city code; and
 - b. All water meters for each individual tiny home space within the park shall be placed within the easement in accordance with city code.
12. Street lights shall be required within the park at all street intersections.
13. Tiny home units shall be placed on a permanent foundation that complies with city building code.
14. Water, Sewage And Solid Waste:
 - a. The tiny home shall be served by municipal water, sewage, and sewer disposal facilities in conformance with Title 8 of city code.
 - b. The tiny home park shall be served by municipal solid waste collection in conformance with Title 4 of city code.
15. Placement of each tiny home by means of an accessway reserved for maneuvering tiny homes into position is allowed and shall be kept free from trees and other immovable obstructions.
 - a. Paving the accessway shall not be required.
 - b. Use of planks, steel mats, or other means during placement of a tiny home shall be allowed as long as the same are removed immediately after placement of the tiny home.

16. Laundry Facilities: Tiny home parks may include a service building equipped as laundromat for convenience of the occupants of the park, but not use by the general public.
17. Landscaped Areas shall conform to Title 10-2-__ of city code
18. Progressive Development: Development may be carried out in progressive stages, in which event each stage shall be so planned that the requirements and intent of this chapter shall be complied with at the completion of each stage. No final plat for the initial stage shall cover less than 60% of the park area.
19. Landscaping; Maintenance: It shall be the developer's responsibility to assure that each designated space is landscaped and maintained and that the park and playground within the tiny home park is landscaped and maintained.

10-17-4: PRELIMINARY PLAT REQUIRED:

- A. Any person wishing to construct a tiny home park shall obtain from the zoning administrator information pertaining to the city's plan of land use, streets, public facilities and other requirements affecting the land within the development.
- B. Review and approval of the preliminary plat is required prior to:
 1. Any excavation or construction activity within the proposed tiny home park; and
 2. The sale, lease, or rent of any tiny home; or
 3. The lease or rent of any tiny home space within the park.
- C. Content of Preliminary Plat: The preliminary plat shall be drawn to scale (1 inch equals 30 feet) or larger and shall show the following information:
 1. The topography represented by contours shown at no greater intervals than five feet (5');
 2. The proposed access street(s) within the tiny home park;
 3. Layout of tiny home spaces within the park;
 - a. Tiny homes may be clustered and individual tiny home spaces may be reduced below that required for tiny home dwellings within the zone in which the development is located when necessary to meet requirements for common area and guest parking.
 4. Proposed location of the common area;
 5. Number of off street parking spaces for use by visitors;
 6. Size and character of recreation buildings and other structures associated with land and facilities to be used by the tiny home park occupants;
 7. Proposed location of the common area;
 8. Tabulations showing:
 - a. Area of land within the tiny home park;
 - b. Number of tiny homes provided for in the tiny home park;
 - c. Percent of area to be devoted to parks and playgrounds;
 9. Proposed landscape planting plan, including type and location of plant materials;
 10. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants and other improvements within and immediately adjacent to the park;

11. Draft of proposed documents, including:
 - a. Management policies and covenants; and
 - b. Maintenance agreement.
- D. Three (3) copies of the preliminary plan must be submitted to the zoning administrator at least four (4) weeks prior to the meeting of the city planning commission, at which time the plan will be considered.

10-17-5: DOCUMENTATION REQUIRED:

- A. To facilitate proper maintenance of the tiny home park documents shall also be submitted with the preliminary plat consisting of:
 1. Declaration Of Policies, Covenants And Restrictions: A declaration of management policies, covenants and restrictions. Such documents shall set forth, among other things:
 - a. The responsibilities and duties of the renters or occupants relating to the maintenance of premises and other conditions of occupancy; and
 - b. An assertion that the park and play space for the common use of the occupants will be protected against building development.
- B. Declaration of Management Policies: An agreement between the developers and the city stating, among other things:
 1. The developer will construct the project in accordance with approved plans;
 2. In the event of failure or neglect on the part of the owners, successors or assigns to enforce the provisions of the declaration of management policies, covenants and restrictions as approved by the city council, or to maintain the common areas, landscaping and other improvements, the city may perform the necessary work and for the purpose may enter in upon the land and do such work and charge the cost thereof, including reasonable attorney fees, against the owners or their successors or assigns;
 3. The agreement shall be binding upon the heirs, assigns, receivers, successors of the project for the life of the project.
 - a. Any failure on the part of the developer or his assigns to maintain the tiny home park in accordance with the approved management policies, covenants, conditions and restrictions and agreements shall be, and the same is declared to be, a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding area; and
 - b. In addition to any other remedy provided by law for the abatement or removal of such public nuisance, the city may remove or abate the nuisance and charge the cost thereof, including reasonable attorney fees, to the owners.

10-17-6: REVIEW AND APPROVAL OF PRELIMINARY PLAT AND DOCUMENTATION:

- A. Planning Commission Considerations: The planning commission shall review the preliminary plat and proposed documents to determine compliance with all portions of the city's general plan.

1. In considering such plan, the planning commission, among other things, shall make sure that such developments shall constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area.
 2. The planning commission may require changes to be made in the preliminary plat and documentation.
 3. The planning commission may require additional yards or buffers or other improvements to be installed along with greater amounts of landscaping or parking spaces.
- B. City Engineer: The preliminary plan, together with all pertinent information, shall be sent to the designated city engineer and any other pertinent city departments for their approval. Such approvals, together with any comments and/or recommendations, shall be returned to the planning commission.
- C. Recommendation Of Planning Commission: After receiving all recommendations, the planning commission shall review the tiny home park preliminary plat and documentation and make recommendation to the city council for approval, modification and approval, or denial.
- D. Submittal To City Council; Time Limitation: The planning commission shall submit their recommendation on the tiny home park to the city council for its consideration within thirty (30) days after receipt of all recommendations unless
1. An agreement is reached by the applicant and the planning commission to table the matter until the next regularly scheduled meeting of the planning commission.
 2. Failure of the planning commission to submit its recommendation within thirty (30) days or to table the matter shall be deemed a recommended approval of the proposed tiny home park.
- E. The city council at a regularly scheduled and noticed public meeting may approve, modify and approve, or deny the preliminary plat and documents for the tiny home park.

10-17-7: APPROVAL OF FINAL PLAT AND DOCUMENTATION:

- A. Submittal To Planning Commission: Upon approval of the preliminary plat and documentation by the city council, the developer shall submit to the planning commission a final site plat of either the entire tiny home park or the first stage of such development that is to be constructed, and the required documentation.
- B. The final plat must be prepared by an engineer, land surveyor, architect, or landscape architect licensed to practice in the state. Such final site plat shall show the information contained on the approved preliminary plat along with a place for the approving signatures of the designated city engineer, city mayor, city planning commission chairperson, city attorney, licensed land surveyor, city recorder, city public works director, and city planning and zoning administrator.

C. Recordation of Final Plat:

1. Following city council approval of the final plat, the subdivider shall:
 - a. Present to the county recorder the final mylar plat, bearing all required signatures, and pay all recording fees; or
 - b. Present to the county recorder the final plat in electronic format as required at Utah code Title 17 Chapter 21a Uniform Real Property Electronic Recording Act, and pay all recording fees.
2. The subdivider shall file with the city recorder:
 - a. One paper copy of the signed final plat bearing the county recorder's stamp; and
 - b. A copy of the final plat in electronic format as required at Utah code Title 17 Chapter 21a Uniform Real Property Electronic Recording Act and city code 11-2-4(G).
3. The city council approval of the final plat shall be void if the final plat is not recorded within one year after the date of approval, unless application for an extension of time is made in writing to the planning commission and granted during the one year period.

10-17-8: OPERATIONAL REQUIREMENTS:

- A. An improvement completion assurance shall be required in an amount equal to value of improvements:
 1. In lieu of the completion of the required improvements within two (2) years from the date of final approval, the developer shall provide an improvement completion assurance in an amount equal to 100% of the value of the improvements required by this section as estimated by the city engineer.
 2. The city may not require an applicant to post an improvement completion assurance for:
 - a. Public landscaping improvements or an infrastructure improvement that the city has previously inspected and accepted;
 - b. Infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;
 - c. Landscaping improvements that are not public landscaping improvements, unless the landscaping improvements and completion assurance are required under the terms of a development agreement.
 3. An improvement completion assurance shall be required, either in the form of:
 - a. A corporate or property bond, the conditions of which must be approved by the city attorney; or
 - b. Cash.

- B. Business License Required: Following a final inspection of the tiny home park by the building inspector, the owner of the park and the operator of the park (if different from the owner) shall apply for a city business license.
 - 1. It is unlawful to operate a tiny home park without first obtaining a business license; and
 - 2. Such license shall be refused or revoked upon failure of the owner and/or operator to maintain the park in accordance with the standards and requirements as herein set forth.
- C. No tiny home space shall be occupied until all improvements required under this chapter, or which are shown on the final plat, shall have been constructed.
- D. Occupancy shall be by written lease, which lease shall be made available to the officials of the city upon demand. The terms of such lease shall be consistent with the declaration of management policies, covenants and restrictions, as required by this chapter.
- E. No tiny home space or tiny home unit shall be rented for a period of less than thirty (30) days.

10-17-9: STORAGE OF JUNK, DEBRIS, OR UNLICENSED INOPERABLE VEHICLES PROHIBITED:

- A. No yard or other open space surrounding an existing tiny home space within the tiny home park or which is hereafter provided around any tiny home within the park, shall be used for the storage of junk, debris or inoperable vehicles.
- B. No land within the tiny home park shall be used for the storage of junk, debris or inoperable vehicles.

Date Received	Address	Permit Type	Work Type	Type	Zoning	Status	Why
4/30/2024	448 S Main Street	Alteration	Building alteration for a new business.	Building Permit	COMMERCIAL	APPROVED	Met all Building & City Codes.
5/2/2024	96 W 400 S	Alteration	ALTERATION OF A CARPORT	Building Permit	RESIDENTIAL	APPROVED	Met all Building & City Codes.
5/7/2024	316 N 150 W	NEW BUILD	RESIDENTIAL HOME	Building Permit	RESIDENTIAL	APPROVED	Met all Building & City Codes.
5/21/2024	217 S 300 E	NEW BUILD	Agriculture Building	Agriculture Building Permit	Agriculture	APPROVED	Met all City Codes.
6/7/2024	96 W 400 S	NEW BUILD	SHED	Building Permit	RESIDENTIAL	APPROVED	Met all Building & City Codes.
6/11/2024	265 S 200 W	Alteration	RE-DO PLUMBING	Building Permit	RESIDENTIAL	APPROVED	Met all Building & City Codes.
6/21/2024	97 S 200 E	Alteration	ELECTRICAL CHANGES	Building Permit	RESIDENTIAL	APPROVED	Met all Building & City Codes.
7/8/2024	265 E 200 S	Alteration	ROOF RESURFACE	Building Permit	RESIDENTIAL	APPROVED	Met all Building & City Codes.
7/9/2024	617 W OAK CREST	NEW BUILD	RESIDENTIAL HOME	Building Permit	RESIDENTIAL	APPROVED	Met all Building & City Codes.
8/16/2024	196 W 100 S	Alteration	SHED ALTERATION	Building Permit	RESIDENTIAL	APPROVED	Met all Building & City Codes.

This is in follow-up to our discussion about whether Monticello City's Annexation Policy Plan ("Plan") complies with *current* State law. I have reviewed the Plan against the substantive requirements of Utah Code Annotated ("UCA") § 10-2-401.5 and find it compliant in all materials respects. It does, however, reference outdated processes for receiving and reviewing an annexation petition. To avoid confusion or procedural missteps, the City may wish to update its Policy Plan to include these new petition requirements. Although you may receive and process a petition filed before November 1, 2024 – the date on which the new requirements are effective – I don't recommend it.

Legal Framework

As you know, "no [city] may annex an unincorporated area located within a specified county unless the [city] has adopted an annexation policy plan" that complies with the procedural and substantive requirements of UCA § 10-2-401.5.

1. **Substantive Requirements (UCA § 10-2-401.5(3)).** The substantive requirements are that each plan include the following:
 - A map of the expansion area;
 - A statement of the specific criteria that will guide the city's decision whether or not to grant future annexation petitions. These criteria must include:
 - The character of the community;
 - The city's plans for extension of municipal services;
 - How the services will be financed;
 - An estimate of the tax consequences; and
 - The interests of all affected entities.
 - Justification for excluding any area containing urban development within ½ mile of the city's boundary; and
 - A statement addressing any comments made by affected entities during the adoption process.
2. **Procedural Requirements (UCA § 10-2-401.5(2)).** The procedural requirements include:
 - Planning Commission:
 - 14-day public notice;
 - introductory public meeting
 - consideration of written comments for at least ten days after the introductory public meeting;
 - public hearing; and
 - Recommendation to the City Council.
 - City Council:
 - public hearing on the plan recommended by the Planning Commission;
 - 14-day public notice;
 - public hearing; and
 - adoption of the annexation policy plan, with or without modifications.

Review of Monticello's Current Plan

Monticello City adopted its Annexation Policy Plan in 2003. The Plan is signed by the then Chairman of the Planning Commission and the Mayor Pro Tempore, indicating that the Plan was recommended by the Planning Commission before it was adopted by the City Council. It is unclear from the Plan document

whether the Planning Commission and City Council complied with the procedural requirements of UCA § 10-2-401-5(2). But we can assume compliance inasmuch as the document references public meetings, indicates no input was received after the introductory meeting, and the document has remained unchallenged for at least two decades.

Although the annexation statute has been revised periodically by the Utah State Legislature, the substantive requirements of UCA § 10-2-401.5(3) have remained unchanged since 2002. Monticello's Plan meets those requirements. To be clear, Monticello's Plan is spare (you could and should improve the document with a more thorough description of the character of the community and the extension and financing of municipal services), but it ticks all of the essential requirements and does not *require* updating.

Changing Laws

State law is changing – and Monticello will need to update its Annexation Policy Plan to match – the process that will occur *after* an annexation petition is filed. These new requirements are prescribed by UCA 10-2-403. NOTE: These requirements are not effective until November 1, 2024. It is *technically possible* for the City to receive a petition before that time, and to process it according to the existing process; but I would not recommend it.

CITY OF MONTICELLO

ANNEXATION POLICY PLAN

A. General Annexation Criteria

In accordance with the provisions of Utah Code Unannotated, §10-2-401, the City of Monticello hereby adopts the following criteria for future annexations. This annexation policy declaration is intended to incorporate or address, by reference, all of the criteria and relevant matters required by Sections 10-2-401, et seq., Utah Code Unannotated. It is not the City's intent to annex territory for the sole purpose of acquiring revenue.

1. As part of its on-going effort to plan and prepare for responsible growth, the City of Monticello has identified territory adjacent to its present boundaries that could, at sometime in the future, be a part of the City. The area proposed for future annexation is not bordered by any other municipality.
2. Areas to be annexed must fall within the areas designated for future annexation on the expansion area map attached to this Annexation Policy Plan. Even when property proposed for annexation is located within the annexation expansion area, the City may elect to deny the annexation request.
3. Specific criteria will guide the City's decision on whether or not to grant future annexation petitions:
 - a. Areas to be annexed must be compatible with the character of the community, which is mixed residential, commercial and agricultural.
 - b. Areas to be annexed must be contiguous to the corporate limits of the City of Monticello at the time of the submission of an annexation request.
 - c. Areas to be annexed shall not be a part of a previously filed annexation petition that has not been either denied, rejected or granted.
 - d. Consideration shall be given (i) to the tax consequences to property owners, both those currently within the municipal boundaries and those within the expansion area, to prevent double taxation and to ascertain that the annexation will not be a tax liability to the taxpayers within the municipality, and (ii) to the interests of affected entities.
 - e. If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

City of Monticello
Annexation Policy Plan

- 1) along the boundaries of water, sewer improvements, or special service districts;
 - 2) to eliminate and/or not create islands and peninsulas of unincorporated territory that is not receiving municipal-type services;
 - 3) to consolidate overlapping functions of government;
 - 4) to promote efficient delivery of services;
 - 5) to encourage the equitable distribution of community resources and obligations; and,
 - 6) to exclude the annexation of areas for which it does not have the capability to provide municipal services.
- f. The annexation petition must be in compliance with the requirements of Section 10-2-403, Utah Code Unannotated.

B. Procedures for Submission of an Annexation Petition

The following is a general summary of the process for initiating and submitting an annexation petition to the City of Monticello, as required under Section 10-2-403, Utah Code Unannotated.

1. An annexation petition, accompanied by an annexation plat, must be submitted to the City Recorder. Said petition shall:
 - a. Contain the signatures of property owners of record which covers a majority of the private land area proposed for annexation and represents at least one-third (1/3) of the assessed valuation of the private aggregate properties proposed for annexation, as reflected on the last assessment roles.
 - b. Represent an area contiguous to the existing corporate limits of the City and shown to be within the areas designated for annexation on the expansion area map attached to this Annexation Policy Plan.
 - c. Include an accurate and recordable map of the area proposed for annexation, prepared by an engineer or surveyor licensed in the State of Utah.

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- d. Designate up to five of the signers of the petition as sponsors, indicating a mailing address for each sponsor, one of whom shall be designated as the contact sponsor.
- 2. The City Recorder, upon receipt of a properly prepared annexation petition, accompanied by the proper plat, shall
 - a. Impose fees in an amount established by resolution of the Monticello City Council to recover the cost of processing said petition.
 - b. Place the petition on the agenda of the next regularly scheduled City Council meeting that is at least fourteen (14) days after the petition is filed, for consideration.
- 3. The City Council shall review the annexation petition, and may deny the petition or may accept the petition for further consideration.
 - a. A petition shall be considered to have been accepted for further consideration if the City Council fails to act to deny or accept the petition at the next regularly scheduled meeting that is at least fourteen (14) days after the petition is filed.
 - b. If the City Council denies a petition, written notice shall be mailed within five (5) days of the denial to the contact sponsor, the San Juan County Clerk, and the Chair of the Monticello Planning Commission.
 - c. If the City Council accepts the petition, or is considered to have accepted the petition, the City Recorder shall, within 30 days of that acceptance:
 - 1) Determine whether the petition meets or fails to meet the requirements of Section 10-2-403, Utah Code Unannotated, with the assistance of the City Attorney and of the Clerk, Surveyor, and Recorder of San Juan County; and
 - 2) Mail or deliver written notification to the City Council, the contact sponsor, the San Juan County Clerk, and the Chair of the Monticello Planning Commission either (i) to certify the petition, if it meets all requirements; or (ii) to reject the petition, if it fails to meet any of those requirements, and state the reasons therefor.

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- d. The City Council, within ten (10) days after receipt of the City Recorder's notice of certification, shall publish a notice of the proposed annexation at least once a week for three (3) consecutive weeks in a newspaper of general circulation within the area of the proposed annexation and, within twenty (20) days of notification, shall mail written notice to each affected entity.
 - 1) The notices shall (i) state that a petition has been filed proposing annexation; (ii) state the date of the receipt of the notice of certification; (iii) describe the area proposed for annexation; (iv) state that the petition is available for inspection and copying at the office of the City Recorder; and (v) state, in conspicuous and plain terms, that the petition may be granted and the area annexed unless written protest is filed in accordance with Section 10-2-406 (2)(a) and Section 10-2-407 Utah Code Unannotated within thirty (30) days after the City Council's receipt of the notice of certification, with the deadline for filing a written protest stated by actual date and an address for filing a protest provided.
 - 2) If no protest is filed during the designated protest period, the City Council shall schedule a public hearing and publish notice of the public hearing at least seven (7) days before the scheduled date in a newspaper of general circulation within the municipality, after which the City Council may grant the petition and, by ordinance, annex the area that is the subject of the annexation petition.
 - 3) If a protest is appropriately filed, the City Council may deny the annexation petition at its next regular meeting after expiration of the deadline, or choose to take no further action until a hearing is held by the San Juan County Commission and a notice of decision is received from the County Clerk, at which time the City Council may either deny the petition or grant the annexation subject to the decision.
 - a) If the City Council denies an annexation petition, written notices shall be sent within five (5) days of denial to the contact sponsor, the San Juan County Clerk, and each protesting entity.

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C. Extension of Municipal Services in Developed and Developing Areas

1. Extensions of municipal services must comply with all City ordinances and standards.
2. The developer or property owner requesting City services in the newly annexed area will bear the expense for the extension of the services to their property or the service area.
3. An annexation agreement will be drawn between the City and future developers outlining specifications for infrastructure and other improvements.

D. Statement Addressing Comments Made by "Affected Entities"

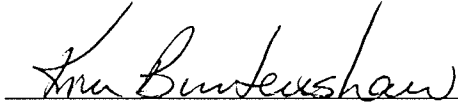
As no input was received at a public meeting held for "Affected Entities" on April 22, 2003, nor by written comment within ten days thereof, the Monticello Planning Commission made no modifications to the proposed annexation policy plan as a result of that meeting.

APPROVED by the Monticello Planning Commission and forwarded to the Monticello City Council this 7 day of OCT, 2003.



Pat Barr, Chairman

ADOPTED by the Monticello City Council on this 12 day of NOV., 2003,
with without modification.



~~C. Scott Pehrson, Mayor -~~
Kim Burtenshaw, Mayor Pro-Tempore

ATTEST:



Rita Walker, C.M.C., Recorder

