



HARRISVILLE CITY

363 West Independence • Harrisville, Utah 84404 • (801) 782-4100

MAYOR:

Michelle N. Tait

COUNCIL MEMBERS:

Grover Wilhelmsen
Gary Robinson
Ruth Pearce
Clark Beecher
Steve Weiss

Public Hearing on Annexation Policy Plan

In accordance with Utah Code Section 10-2-401.5, notice is hereby provided that the Harrisville Planning Commission will hold a public hearing on October 9, 2019 at 7:00 p.m., in the Harrisville City Legislative Chambers located at 363 West Independence Blvd, Harrisville, Utah, to take public comment for an against the proposed Annexation Policy Plan. Individuals requiring special accommodation (including auxiliary communicative aids and services) should notify the City Recorder at 801-782-4100 at least three (3) days prior to the hearing.

Certificate Mailing and Posting

I hereby certify that foregoing Notice was duly published in a newspaper of local circulation, mailed to each affected entity, posted on the Utah Public Notice Website, posted on the City website or at three (3) locations in the City as follows: 1) Harrisville City Hall, 2) 2150 North, and 3) Harrisville Cabin.

City Official

DATE: _____

ANNEXATION POLICY PLAN
2019

Adopted: _____



Prepared by the Harrisville City Planning Commission in
conjunction with the Administrative Services Department:
Michelle Tait, Mayor
Bill Morris, City Administrator
Jennie Knight, City Recorder
With the assistance of Doug Larsen and Jones & Associates
Consulting Engineers

Adopted in accordance with *Utah Code Annotated* §10-2-401.5

HARRISVILLE CITY ANNEXATION POLICY PLAN

General Information

Harrisville City (hereafter the “City”) incorporated on April 9, 1962. Since incorporation the City has had several planning documents for future annexations. As growth and development impact the Wasatch Front, recent state legislation has been adopted to reduce unincorporated areas and promote the annexation of unincorporated islands and peninsulas in populated counties such as Weber County where the City is located. This Annexation Policy Plan (hereafter the “Plan”) will replace all prior annexation documents, and is designed to eliminate islands and peninsulas surrounding the City. Weber County (hereafter the “County”) has supported the state legislation for cities to annex unincorporated areas, this minimizes impact on the County and allows the City to provide municipal services. The need for planning for the annexation of certain unincorporated areas within the County has culminated in this Plan.

Annexation decisions are generally irreversible and permanent. This Plan determines what areas will become part of the City’s political community, which areas must be serviced and supported by the City, and what areas will contribute to the City’s tax base. Ideally, annexations should be as agreeable and advantageous as possible to the applicable affected entities.

Cities annex territory into their boundaries for several reasons, including but not limited to:

- ▶ Promote urban planning and development for unincorporated area 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, service districts, and municipalities.
- ▶ Eliminate or reorganize services provided by special districts.
- ▶ Extend community vitality and connection.
- ▶ Improve transportation, public safety, and recreation services and programs.

Annexation Policy

This Plan shall be part of the City’s General Plan for Annexation. This Plan includes general concepts and standards that the City may adopt by ordinance as it considers appropriate in conducting an annexation as follows:

- ▶ Avoid creating islands and peninsulas of unincorporated areas, including bifurcation of neighborhoods and industrial areas.
- ▶ Focus on annexation of areas that are already islands or peninsulas of unincorporated county.
- ▶ Focus on areas that are a natural extension that benefit the City.
- ▶ Annex areas of 100 acres or less to encourage the equitable distribution of community resources and obligations.
- ▶ Negotiate with surrounding cities and annex areas where the most advantageous

- ▶ municipal services can be provided.
- ▶ Give consideration to areas seeking incorporation that may contribute to the City.
- ▶ Avoid areas that create an additional tax or financial liability to the taxpayers within the City prior to the time of the annexation.

Areas Subject to Future Annexation

The annexation of the areas below will allow Harrisville City the ability to provide affordable municipal services to each of the areas proposed for annexation. Areas proposed for annexation into the City include:

1. Weber Industrial Park. The unincorporated area of the Weber Industrial Park located along Rulon White Boulevard and surrounding unincorporated properties.
2. Harrisville Park (East). Unincorporated vacant land currently owned by Harrisville City and utilized as an integral part of the Harrisville City Park. The area is located at approximately 1475 North 200 West.
3. 2000 North. Unincorporated vacant and improved land located at approximately 2000 North 100 West.
4. Colonial Springs South. Unincorporated vacant land located at approximately 2175 North 200 West.

Annexation Policy Plan Contents

In accordance with *Utah Code Annotated* §10-2-401.5, this Plan includes:

1. A map of the City's proposed expansion area.
2. A statement of the specific criteria that will guide the City's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including:
 - a. Character of the community.
 - b. Need for municipal services in developed and undeveloped unincorporated areas.
 - c. City's plans for extension of municipal services.
 - d. How the services will be financed.
 - e. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area.
 - f. Interests of all affected entities.
3. Justification for excluding from the expansion area any area containing urban development within one-half (½) mile of the City's boundary.
4. A statement addressing any comments made by affected entities at or within 10 days after the public meeting under *Utah Code Annotated* §10-2-401.5(2)(a)(ii).

Statement of Specific Criteria

1. **Character of the Community.**
 - a. **Purpose and Introduction.** The purpose of the Annexation Policy Plan is to comply with *Utah Code Annotated* §10-2-401.5 which requires the City to adopt this Plan before annexing any area to the City. Each proposed and actual annexation has a different character and thus will present the City with varied

opportunities and problems as the full impact of each annexation is visited on the City.

- b. **Vision Statement.** The City seeks to maintain our rural heritage while enhancing the aesthetic values of the community, minimize urban sprawl, and create opportunities that foster economic sustainability. Further, the City supports residents and businesses with responsible, accountable, accessible, innovative, efficient, and cost-effective municipal services while affording practical infrastructure and reasonable housing opportunities. In achieving this vision the City seeks to keep local taxes and fees at a minimum.
- c. **Brief Community History.** Harrisville City is located northwest of Ogden in Weber County. The City is named in honor of Martin Henderson Harris who was an early pioneer settler to this area. He built a log home west of Four Mile Creek. Other pioneer settlers soon followed such as: James Lake, Pleasant Green Taylor, David Jenkins, William W. Dixon, Stephen Ordway, and Luman A. Shurtleff. In 1852, Haskel V. Shurtleff, Levi Murdock, Warren Child Sr., George Tiffany, and William Elder moved into the settlement. However, trouble occurred with a local tribe after an accidental shooting of a popular chief. Some houses were dismantled and moved into Bingham's Fort until peace was reached. A brickyard was later established in Harrisville, and local brick making turned into a major business and a brickyard remained operating until 2012. The Central Pacific and Union Pacific railroads ran through a portion of Harrisville. Some of these tracks are utilized today by freight trains and by the Front Runner. Harrisville has a history of welcoming new residential and business developments that share the quality of life and pleasant atmosphere of this area. The population is approximately 6,100.
- d. **General Land Area.** Harrisville City comprises an approximate 2.7 square mile geographical area in Weber County about 40 miles north of Salt Lake City. Land area of the City ranges in elevation approximately 4,291 feet. The City is bordered by Farr West to the west, Pleasant View and North Ogden to the north and east, along with Ogden to the east and south. The Four Mile Creek, Six Mile Creek, and Mud Creek bisect the City. Portions of the City are located in the FEMA 100-year flood plain and there are wetland areas which both preclude development in such areas.
- e. **Basic Criteria.** In 1979, the Utah State Legislature adopted annexation criteria requiring an annexation policy declaration and standards before a municipality could conduct an annexation. The law also provided for a boundary commission to settle annexation disputes in each county. Changes to the state law in 1997 eliminated the policy declaration and made other changes. However, in 2001 Utah State Legislature again amended the annexation law to require an annexation policy plan and further define the requirements regarding annexation. Presently, the *Utah Code Annotated* §10-2-402 sets forth the following summarized basic criteria:
 - i. The area must be unincorporated area that is contiguous to a municipality.

- ii. Annexation will not leave or create an unincorporated island or unincorporated peninsula, with some exceptions.
 - iii. Area proposed to be annexed must be in the Annexation Policy Plan.
 - iv. *Utah Code Annotated* §10-2-418 provides for annexation without a petition.
 - v. *Utah Code Annotated* §10-2-403 provides for annexation with a petition.
 - vi. A municipality may not annex an unincorporated area in a specified county for the sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to annex the same or a related area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services to the annexed area.
 - vii. An annexation petition may not be filed proposing the annexation of an area located in a county that is not the county in which the proposed annexing municipality is located unless the legislative body of the county in which the area is located has adopted a resolution approving the proposed annexation.
 - viii. Other limitations are very specific as provided in state law.
- f. **Annexation Area Character.** The property in the “Area Subject to Future Annexation” is agricultural property with very few homes and industrial area. The property immediately adjacent to the City can easily identify as part of the City as the residents attend the same elementary, junior high, and high schools. The area is also serviced by the same fire and sewer district.
2. **Need for Municipal Services in Unincorporated Area.** The property located in the “Area Subject to Future Annexation” has road maintenance and law enforcement provided by Weber County. Harrisville Police have responded to these areas as they are away from the areas generally serviced by the Weber County Sheriff. In addition, some of the properties will need future or additional sewer services that are available from the City. Future residential areas can also benefit from the City service for residential solid waste collection and disposal, recycling, storm water, flood control, fire hydrants, land use planning, and road improvements; most of which are services presently not offered at all by the county or to the same extent by the county.
3. **Plans and Time Frame for Extension of Municipal Services.** The providing of municipal services such as law enforcement will be immediate upon annexation. Fire protection will be provided by North View Fire District. Culinary water will be provided by the existing culinary water improvement districts. Sewer service can be provided at the time of development for those areas not already serviced by the City. Residential solid waste collection and disposal, recycling, land use planning, public works, storm water services, and flood prevention regulations will occur immediately upon annexation. Other services will be accommodated upon development.
4. **Financing of Services.** All services for the “Area Subject to Future Annexation” will be financed by the City or continue as part of existing special districts. No additional financing resources are anticipated.

5. **Estimate of Tax Consequences on Residents.** The City anticipates the following tax consequences upon residents as a result of the annexations:
- a. Tax Consequence to current residents in Harrisville City. It is anticipated that the residents may experience a positive tax consequence in the form of stabilizing the City's property tax assessed value basis. Increasing the total taxable or assessed value of the City can provide an opportunity to maintain the City property tax levy at the current level for a greater period of time.
 - b. Tax Consequence to residents in areas to be annexed.
 - i. Weber Industrial Park. No residentially assessed property and there are no residents currently within the boundaries of the Weber Industrial Park.
 - ii. Harrisville Park (East). No residentially assessed property and there are no residents currently within the boundaries of this area.
 - iii. 2000 North. This area is comprised of two parcels:
 - (1) Parcel No. 17-071-0009: Vacant land with no residents.
 - (2) Parcel No. 17-071-0047: Residentially improved parcel. It is anticipated property tax assessed could increase by approximately 3.5%. The 2018 property tax totaled \$2,961 the tax area rate was .012579. Annexation of the parcel will add the Harrisville City levy as well as the Bona Vista Water levy. Accordingly, the 2018 combined rate, if annexed at that time would total .013023, or a property tax of \$3,065.
 - iv. Colonial Springs South. No residentially assessed property and there are no residents currently within the boundaries of this area.
6. **Interests of other Affected Entities.** North Ogden and Pleasant View may have overlapping annexation plans for portions of the areas in this Plan, except the industrial area. Each municipality should coordinate with the other as provided by law.

Justification for Excluding from the Expansion Area

There is no area excluded from annexation in this Plan as the purpose of this Plan is to eliminate all remaining unincorporated areas surrounding the City.

Statement Addressing Affected Entities

A statement addressing comments made by affected entities at the public meeting or within ten (10) days after the public meeting under *Utah Code Annotated* §10-2-401.5(2)(a)(ii) is added to this Plan below.

The City's Planning Commission held its public meeting for the affected entities on August 14, 2019. At that public meeting there were two (2) public comments from affected entities that consisted of: Pleasant View City and Richards Manufacturing.

The City received one (1) written comment from Richards Manufacturing during the ten (10) day comment period provided in the state statute. That written comment reflected similar comments made by Richards Manufacturing at the public meeting. It is noted that comments from Richards

Manufacturing and Pleasant View City shared much of the same content, accordingly we will address such collectively as Pleasant View City.

City staff received a few phone calls from businesses in the Weber Industrial Park regarding this Plan that involved simple questions, specifically whether an annexation into Harrisville City would change the zip code or otherwise interfere with mail delivery. The zip code and mail delivery would remain 84404 by annexation into Harrisville City under this Plan. The few businesses who contacted Harrisville City said that they do not want to have the zip code changed from 84404.

Pleasant View City only expressed concern with the inclusion in this Plan of the Weber Industrial Park. Pleasant View City provided Harrisville City with a copy of its “Pleasant View City General Plan” adopted in 2017 which states on pages 47-48 as follows:

ANNEXATION

The Annexation Plan reflects the needs and desires of the City to expand beyond its current boundaries. There are few areas of the City in which Pleasant View City annexation could occur. It is generally preferable that annexation happen prior to development of property so that City standards for development can be brought to bear as part of the development of that property. Specific areas for potential annexation are noted below:

Weber Industrial Park

The Weber Industrial Park is an area of unincorporated County land that lies to the south of 2700 North and east of the Willowbrook area of the City. This area is largely developed with industrial, manufacturing, and warehousing uses. The area is serviced by the Bona Vista Water District and the Central Weber Sewer Improvement District. The City would provide maintenance of the roads in the area as well as providing emergency response services to the area. (Pages 47-48, Pleasant View City General Plan, 2017).

Harrisville City already has a large portion of the Weber Industrial Park included in the 2003 Harrisville Annexation Policy Plan, specifically, the entire southern portion. Harrisville City researched the history of the Weber Industrial Park and found that a large portion of the Weber Industrial Park had been incorporated into Harrisville City at one time. In 1973, as part of an effort in the county to recruit business development, Harrisville City agreed to a Stipulation and Order to the disconnection of a portion of Harrisville City for the formation of the Weber Industrial Park. Harrisville City disconnected its portion of the Weber Industrial Park to support the efforts of the creation of jobs and businesses under the direction of the county at that time.

That Stipulation and Order was made before the Weber County District Court and can be found under Civil Number: 56994.

An official from Pleasant View City claimed that there is a letter from the past stating that any area disconnected from either city would be annexed in the future back into the respective city where it was disconnected. However, after a search of court records and the title documents at county recorder's office there was no evidence discovered that such letter actually exists.

Pleasant View City's inclusion of the area in its General Plan was made without consultation with Harrisville City in 2017. Further, from the documents obtained by Harrisville City, Pleasant View City failed to comply with the state law requirements for developing an Annexation Policy Plan in accordance with *Utah Code Annotated* §10-2-401.5. The Pleasant View General Plan of 2017 replaced the Pleasant View City General Plan adopted in 2009. The 2017 Pleasant View General Plan document does not contain a map showing Weber Industrial Park as part of the 2017 General Plan. Pleasant View City merely defines the area of the Weber Industrial Park as "south of 2700 North and *east* of the Willowbrook area of... [Pleasant View] City." (Page 48, Pleasant View General Plan, 2017, highlights added). The area that Harrisville City proposes to include as the Weber Industrial Park is south of 2700 North and "*west*" of the railroad and Willowbrook area as shown on the Map included as part of this Plan. As such, Harrisville City is designating an area for the industrial park different than the area defined by the 2017 Pleasant View City General Plan.

Since the 2017 Pleasant View General Plan is not a legitimate annexation policy plan lacking the essential language and due process required by *Utah Code Annotated* §10-2-401.5, it is merely a small part of a general plan document created under *Utah Code Annotated* 10-9a-401. Based upon the information available at the time this Plan was prepared, it is the legal position of Harrisville City that Pleasant View City does not have a legally adopted annexation policy plan that complies with the requirements of state law. As such, there is no conflict with another municipality for Harrisville City's inclusion of the entire Weber Industrial Park as part of this Plan.

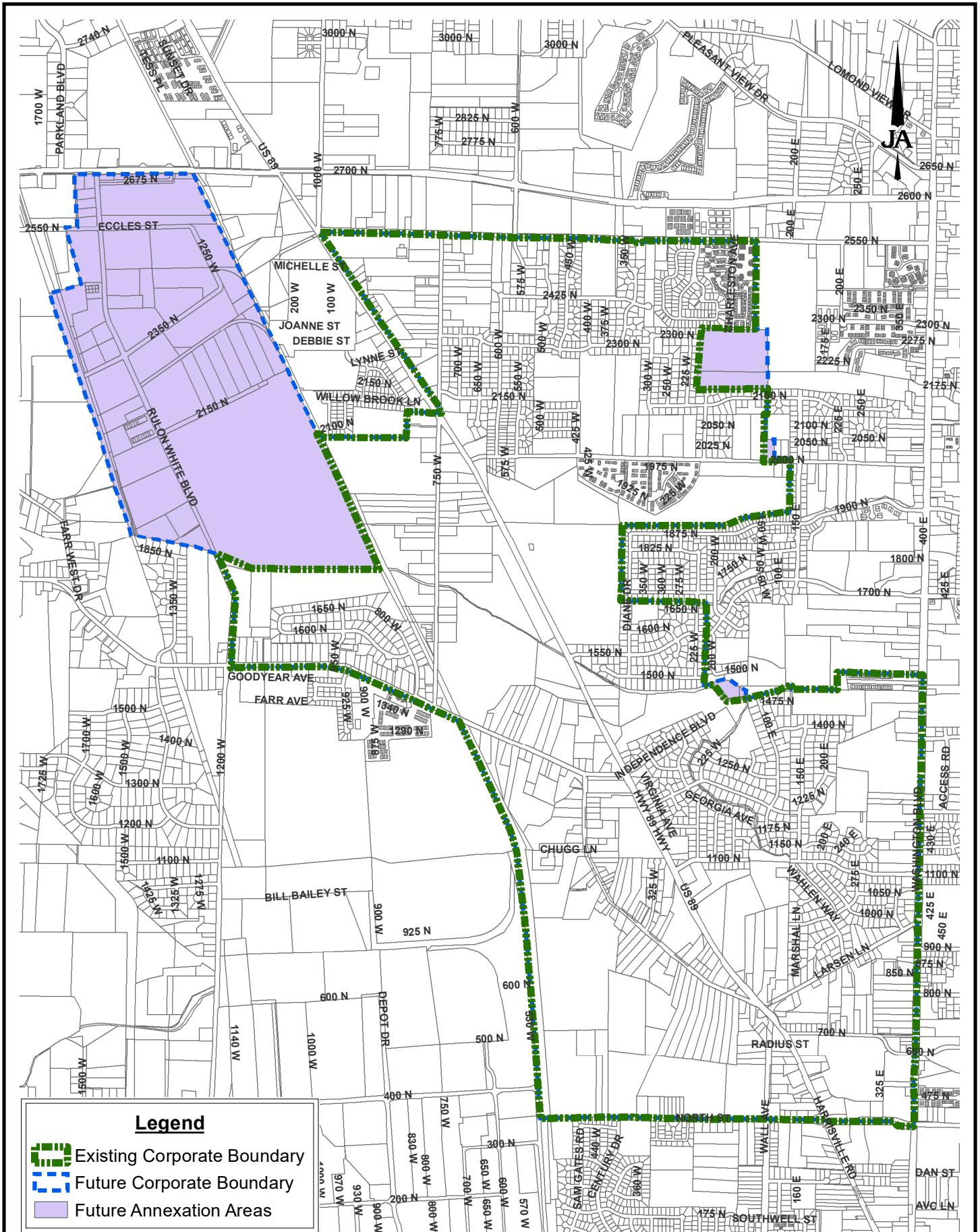
Further, from a planning, service, and infrastructure perspective, it is Harrisville City's policy in this Plan to no longer bifurcate the Weber Industrial Park. Rather, Harrisville City opts to include the entire unincorporated area of the Weber Industrial Park in this Plan. Bifurcation of the Weber Industrial Park in another municipality other than Harrisville City may result in dividing the zip code and be detrimental to services and infrastructure which would be maintained by multiple jurisdictions. Harrisville City is in the best position to provide infrastructure and municipal services to the Weber Industrial Park. Police services are closer in Harrisville City than both county services and such services from any other adjoining municipality. Harrisville City can also merge the Weber Industrial Park into Harrisville City's infrastructure maintenance plans with an easy transition as those documents are being updated. Harrisville City also has the appropriate planning, zoning, and community development policies for the best administration and oversight of the Weber Industrial Park. There is also the ability to expand the Weber

Industrial Park to the south in areas already located within the border of Harrisville City that provide for growth and new opportunities for this industrial area.

Also, Harrisville City is a voting member of the Board of Trustees of Bona Vista Water Improvement District that provides culinary water service to the Weber Industrial Park. Pleasant View is not a member on the Board of Trustees of the Bona Vista Water Improvement District. This voting status puts Harrisville City at an advantage in supporting the Weber Industrial Park.

Lastly, annexation into Harrisville City would have the least impact for property taxes on property owners in the areas proposed for annexation under this Plan. The property tax increase would be an estimated 2.6% for Harrisville City, verses a higher percentage and property tax rate when compared to North Ogden and Pleasant View.

There was no public comment at the meeting or written comment received in the ten (10) day comment period on any other area proposed for annexation, except the Weber Industrial Park. Based upon the comments, clarification has been added to this Plan to address said comments as outlined in this Plan.



6080 Fashion Point Dr, South Ogden, UT 84403
(801) 476-9767

SCALE:

N.T.S.

DATE:

01/18/2019

HARRISVILLE CITY CORPORATION

GENERAL PLAN MAP

ANNEXATION POLICY MAP

Proposed January 2019

SHEET:

1

OF 1 SHEETS

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