

**DRAFT for Copperton Planning Commission Public Hearing: March 15th, 2022. Prepared by MSD
Planning & Development Services.**

19.95 Annexation

19.95.010 Purpose

The purposes of this Chapter are to establish a process for the receipt and consideration of annexation petitions or of annexations initiated by the Copperton. These sections are intended to :

- A. Provide for the expansion of Copperton at such time as the property owner and municipality determine expansion has become desirable and feasible;
- B. Aid the Council in its deliberations concerning the acceptance or rejection of any proposed annexation;
- C. Assure that Copperton has adequate time to prepare for any budgetary and operational impacts of annexation;
- D. Minimize disruptions to Copperton's operations caused by the processing and evaluation of a proposed annexation and any adverse impact on the municipality arising from any approved annexation;
- E. Protect the general interests and character of the community;
- F. Maintain consistency with the Copperton General Plan, the Copperton Annexation Policy Plan, and Utah State Code.

19.95.020 General Provisions

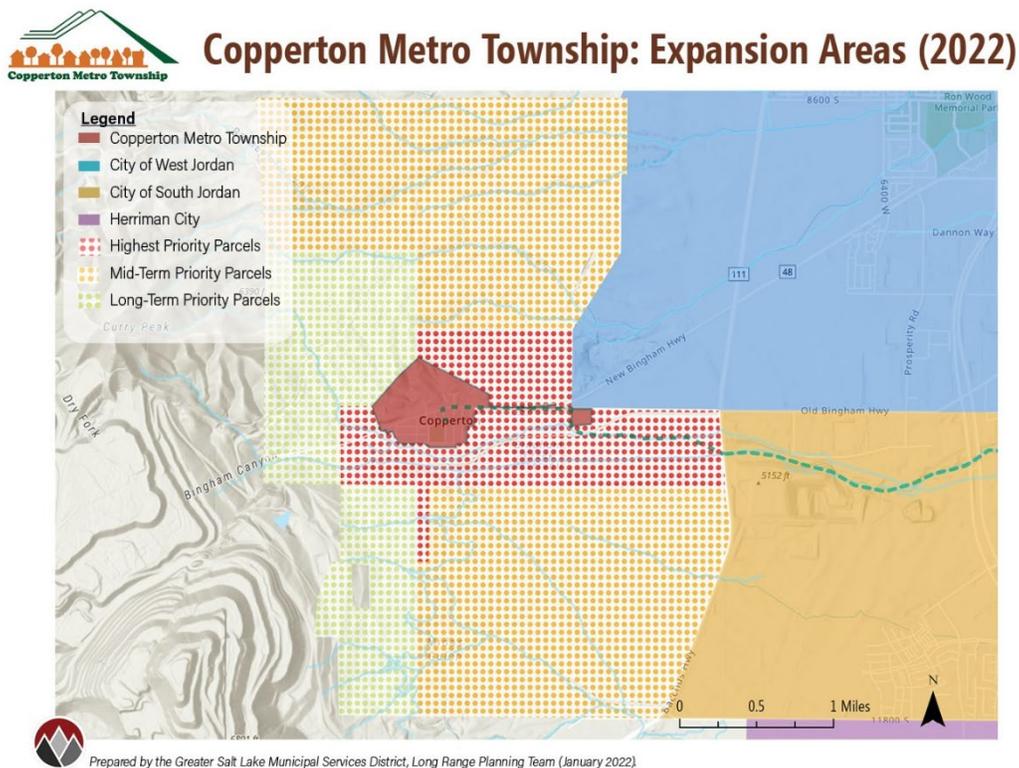
- A. As practical and feasible, boundaries of an area proposed for annexation shall be drawn:
 - a. Within Copperton's Expansion Area as identified in the Annexation Policy Plan and Section 19.95.030;
 - b. Along the boundaries of existing special districts, service districts, school districts, and other taxing entities;
 - c. In such manner as to eliminate islands and peninsulas of territory that are not receiving municipal services, provided that the Copperton Metro Township Council ("Council") may authorize the annexation of a peninsula in the "Highest Priority" category if it determines that the annexation is in the best interests of Copperton and its residents and is not detrimental to the public welfare;
 - d. To facilitate the consolidation of overlapping functions of local government;
 - e. To promote the efficient delivery of services; and
 - f. To encourage the equitable distribution of community resources and obligations.

- B. All petitions for annexation or annexations initiated by Copperton shall comply with Copperton’s Annexation Policies established in this Chapter.

19.95.030 Copperton’s Expansion Areas (Annexation Declaration Area Map)

The Annexation Declaration Area Map is included as Figure 19.95.030. The map may be altered to change the proposed expansion areas of Copperton upon action by the Council following recommendation by the Planning Commission.

Figure 19.95.030: Copperton’s Expansion Areas.



Credit: MSD Long Range Planning, 2022.

19.95.040 Copperton’s Annexation Policies

The following standards, adopted through the Copperton Annexation Policy Plan, shall guide the municipality’s consideration of an annexation petition or annexation initiated by Copperton.

- A. Policy 1.1: Where feasible and consistent with Copperton’s goals, the annexation avoids gaps between or overlaps with the expansion areas of other municipalities.
- B. Policy 1.2: The annexation eliminates islands and peninsulas of unincorporated territory that are not receiving municipal services, provided that the Copperton Council may authorize the annexation of a peninsula in the “Highest Priority” category if it determines that the annexation is in the best interests of Copperton and its residents and is not detrimental to the public welfare.

- C. Policy 1.3: The annexation facilitates the consolidation of overlapping functions of local government.
- D. Policy 1.4: The annexation promotes the efficient delivery of services.
- E. Policy 1.5: The annexation encourages the equitable distribution of community resources and obligations.
- F. Policy 1.6: Where it is in the public interest to preserve lands from development, annexations may be used to retain those lands in a natural state if the annexation is consistent with Copperton's General Plan.
- G. Policy 2.1: The annexation shall be contiguous with Copperton and new municipal boundaries should conform, wherever possible, with natural topographic features, such as ridge lines, streams, and creeks. Care should be taken not to create topographically isolated areas or areas which would be difficult or costly to service.
- H. Policy 2.2: Annexation petitioners will be required to adhere to the municipality's subdivision regulations, zoning ordinances and construction standards. All streets should be consistent with the Copperton General Plan and with applicable zoning and allowed uses.
- I. Policy 2.3: The annexation area should be of substantial width to promote access to the annexed area by a public street entirely within the municipality; narrow strips should not be annexed for the sake of 'creating adjacency' to a larger area not contiguous to Copperton's boundaries.
- J. Policy 2.4: Before approving an annexation, Copperton must determine that the annexation will not negatively impact Copperton by considering possible impacts to community facilities, traffic, fire protection (particularly in wildfire/wildland interface areas), stormwater systems, usable open space and recreation areas, protection of sensitive lands, conservation of natural resources, protection of view corridors, protection and preservation of historic resources, affordable housing, the balance of housing types and ownership, the capacity of water and sewer systems, and any other factors that have the potential to adversely impact Copperton and its community character.
- K. Policy 2.5: Upon annexation, the annexation area shall be zoned in such way that is compatible with surrounding Copperton uses and that promotes the future land uses identified in the Annexation Policy Plan.
- L. Policy 3.1: Subject to the criteria in Section 5, Copperton may consider and approve in its sole discretion an annexation because the area subject to the proposed annexation lacks municipal services that Copperton can provide.
- M. Policy 4.1: In addition to services provided by existing districts, such as public schools, water, sewer, fire protection, law enforcement, waste removal, and animal services, Copperton must determine that it can provide the following municipal services to the annexed area in a manner consistent with those normally provided within its incorporated boundaries:

- a. Snow removal on public streets, subject to Standard Copperton snow removal policies;
 - b. Maintenance of public streets, provided that such streets have been constructed or reconstructed to Copperton street standards or are otherwise acceptable to the municipal engineer and Council;
 - c. Stormwater services;
 - d. Planning, zoning, and municipal code enforcement; and
 - e. Access to municipal sponsored parks and recreational activities and cultural events and facilities.
- N. Policy 4.2: Copperton must determine that it can economically provide services to the annexed area and that such provision will not burden the existing municipal service system beyond its capacity.
- O. Policy 4.3: The annexation will allow for the orderly extension of utilities by providing easements, rights-of-way or street dedications, and any other such actions needed for Copperton to provide municipal services to the annexation area.
- P. Policy 4.4: The annexation will bring with it water rights and facilities required by the users or any intended development. An annexation shall not be approved which materially detracts from the supply of the Copperton Improvement District.
- Q. Policy 5.1: Developments in a proposed annexation will provide all necessary stormwater and other extensions needed to connect to utilities at the developers' sole cost and expense.
- R. Policy 5.2: Copperton will provide stormwater and other required municipal services to developments in a proposed annexation with reimbursement through user fees or impact fees, as applicable.
- S. Policy 6.1: The petitioner of an annexation will recognize a tax increment increase, if any.
- T. Policy 6.2: The property certified tax rate for existing parcels within Copperton's existing municipal boundaries will not be increased to provide for the annexation of any area.
- U. Policy 7.1: The annexation does not extend beyond the limits of the adopted annexation policy plan.
- V. Policy 7.2: Other services needed for the annexation, e.g., natural gas, electrical power, internet, and communications, are available or reasonably available for the proposed annexation.
- W. Policy 7.3: The petitioners of annexation have entered into agreement(s) with affected entities, as applicable, for the provision of required infrastructure and services.
- X. Policy 7.4: The annexation does not create boundary alignment issues with any public or charter schools, or affected entities, unless interlocal agreements have been created to address the alignment issues.

19.95.050 Property Owner Initiation of Annexation

- A. **The Property Owner(s) Shall Submit a Petition for Annexation to Copperton.** The petition shall meet all criteria as established in this Chapter and shall be submitted in such form as established by Copperton and in compliance with State Code. Each petition shall:
- a. Be preceded by the required notice of intent to file a petition to Salt Lake County
 - b. Be filed with the Clerk of Copperton ;
 - c. Contain the signatures of, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owners of all the publicly owned real property, or the owners of private real property that:
 - i. Is located within the area proposed for annexation;
 - ii. (A) Subject to Subsection (A)(b)(ii)(C), covers a majority of the private land area within the area proposed for annexation;

(B) Covers 100% of rural real property within the area proposed for annexation; and

(C) Covers 100% of the private land area within the area proposed for annexation, if the area is within an agriculture protection area created under Utah State Code Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, or a migratory bird production area created under Utah State Code Title 23, Chapter 28, Migratory Bird Production Area; and
 - iii. Is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation.
- B. **Annexation petitions filed with the Metro Township Clerk shall:**
- a. Be accompanied by an accurate and recordable map that is prepared and signed by a licensed surveyor;
 - b. Contain a copy of the notice sent to affected entities and a list of the affected entities to which notice was sent, as required by Utah State Code §10-2-403(2);
 - c. Contain on each signature page a notice in bold and conspicuous terms that states substantially the following:
 - i. "Notice: There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election. If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the Metro Township Clerk ("Clerk"). If you choose to withdraw your signature, you shall do so no later than 30 days after Copperton receives notice that the petition has been certified."

- d. Designate up to five (5) of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor and indicate the mailing address of each sponsor.
- e. On the date of filing with Copperton, the petition's sponsors shall also deliver or mail a copy of the annexation petition to the clerk of Salt Lake County.
 - i. If the petition proposes a cross-county annexation, as defined in Utah State Code §10-2-402.5, be accompanied by a copy of the resolution described in State Code §10-2-402.5(4)(a)(iii)(A).
- C. A petition under this Section shall not propose the annexation of all or part of an area proposed for annexation to Copperton in a previously filed petition that has not been denied, rejected, or granted.

19.95.060 Procedure for Processing Annexation Petitions and Plats

- A. The Clerk, upon receiving a petition for annexation, shall submit the petition to the Copperton Metro Township Council ("Council"). The Council shall accept the petition for further consideration or reject the petition within fourteen (14) days.
- B. If the petition is rejected by the Council, notification shall be sent to the County Clerk and to the sponsors of the petition within five (5) days of the denial.
- C. If accepted by the Council, the petition shall be reviewed by the Clerk and municipal attorney for completeness and compliance with applicable law, including the *Copperton Annexation Policy Plan*. Review and certification shall be completed within thirty (30) days of acceptance. If the petition complies, the Clerk shall certify the petition and provide written notice of same to the Council, petition sponsor(s), and County Council.
- D. If the Clerk rejects a petition, the petition may be modified to correct the deficiencies for which it was rejected and then refiled with the Clerk.
 - a. A petition refiled under this subsection after having been rejected by the Clerk shall be treated as a newly filed petition.
- E. Within ten (10) days of the Council receiving notice of certification, notification of the proposed annexation shall be:
 - a. Mailed to each residence and owner of real property located within the area proposed for annexation and the unincorporated area within ½ mile of the area proposed for annexation.
 - b. Posted in at least one physical location within the area proposed for annexation.
 - c. Posted on the Utah Public Notice Website for at least three (3) weeks.
 - d. Posted on the municipal website for at least three (3) weeks.
- F. Within twenty (20) days of the Council receiving notice of certification, written notification of the proposed annexation shall be mailed to each affected entity.

- G. Upon certification by the Clerk, the petition may be submitted to the Copperton Metro Township Planning Commission (“Planning Commission”) for analysis and review according to the Copperton Annexation Policy Plan and for recommendations with respect to the appropriate zoning.
- H. Protests to the proposed annexation shall:
 - a. Be filed with the Salt Lake County Boundary Commission (“Boundary Commission”) no later than thirty (30) days after the Council receives notice of certification from the Clerk.
 - i. On the same date, the party filing a protest shall deliver or mail a copy of the protest to the Clerk.
 - b. Be filed by:
 - i. The legislative body or governing board of an affected entity;
 - ii. An owner of private real property that:
 - 1. Is located in the unincorporated area within ½ mile of the area proposed for annexation;
 - 2. Covers at least 25% of the private land area located in the unincorporated area within ½ mile of the area proposed for annexation; and
 - 3. Is equal in value to at least 15% of all real property located in the unincorporated area within ½ mile of the area proposed for annexation.
 - iii. An owner of private real property located in a mining protection area.
 - c. State each reason for the protest of the annexation petition.
 - d. Contain other information that the Salt Lake County Boundary Commission by rule requires or that the party filing the protest considers pertinent.
 - e. Contain the name and address of a contact person who is to receive notices sent by the Boundary Commission with respect to the protest proceedings.
- I. If protests are filed, the Council may deny the annexation at its next regularly-scheduled meeting (after expiration of the deadline to receive protests), or it may await the decision by the Boundary Commission.
 - a. If the Council denies the annexation petition, applicable notice shall be sent within five (5) days after the denial, as outlined in Utah State Code §10-2-407(5).
- J. If no protests are filed and following the Council’s receipt of the Planning Commission’s recommendations on zoning for the proposed annexation, the Council may approve the annexation at a public hearing held after providing required notice as stated in Utah State Code §10-2-407(7).

- K. The Council may deny or grant annexation after receiving the decision of the Boundary Commission approving the annexation. In the event of denial of the annexation by the Boundary Commission, the Council shall deny the annexation.
- L. In all cases, the Council shall evaluate the annexation against the policies and criteria established in the *Copperton Annexation Policy Plan*, as referenced in Section 19.95.030, and shall not approve an annexation that conflicts with the standards of this Chapter.

19.95.070 Initiation of Annexation by Copperton

- A. The Municipality may annex an unincorporated area without an annexation petition if:
 - a. For an unincorporated area within the expansion area of more than one municipality, each municipality agrees to the annexation; and
 - i. If the area to be annexed consists of one or more unincorporated islands within or peninsulas contiguous to the municipality:
 - 1. The majority of each island or peninsula consists of residential or commercial development;
 - 2. The area proposed for annexation requires the delivery of municipal-type services; and
 - 3. The municipality has provided most or all of the municipal-type services to the area for more than one year.
 - ii. Or, the area to be annexed consists of one or more unincorporated islands within or peninsulas contiguous to the municipality, each of which having less than 800 residents, and the municipality has provided one or more municipal-type services to the area for at least one year.
- B. The Municipality may annex a portion of an unincorporated island or peninsula under Subsection A, leaving the remainder of the island or peninsula unincorporated if:
 - a. The Council determines that not annexing the entire unincorporated island or peninsula is in Copperton's best interests; and
 - b. The entire island of unincorporated area, of which a portion is being annexed, complies with the requirements of Subsection A relating to the number of residents.
- C. Annexation under this Section is subject to Salt Lake County's agreement to an annexation, if the majority of private property owners (as defined in Utah State Code §10-2-418(4)) within the area to be annexed give written consent to the annexation.
- D. Prior to an annexation taking place, the Council shall:
 - a. Adopt a resolution indicating the Council's intent to annex the area, describing the area proposed to be annexed; and

- b. Hold a public hearing (in compliance with Utah State Code §10-2-418) on the proposed annexation no sooner than thirty (30) days after the adoption of the resolution.
- E. Upon conclusion of the public hearing, the Council may adopt an ordinance approving the annexation unless written protests to the annexation have been filed accordingly with the Clerk.
- F. Notwithstanding Subsection E, the Council may adopt an ordinance approving the annexation without allowing or considering protests:
 - a. If the owners of at least 75% of the total private land area within the area proposed for annexation, representing at least 75% of the value of private real property within the area, have consented in writing to the annexation; or
 - b. If the County Council recommends annexation into the municipality without allowing or considering protests under a formal finding by the County Council that:
 - i. The area to be annexed can be more efficiently served by the Municipality than by the County;
 - ii. The area to be annexed is not likely to be naturally annexed by the municipality in the future as the result of urban development;
 - iii. Annexation of the area is likely to facilitate the consolidation of overlapping functions of local government; and
 - iv. Annexation of the area is likely to result in an equitable distribution of community resources and obligations.
- G. Except as provided in Subsection F, if legally valid protests are timely filed, the Council may not adopt an ordinance approving the annexation of the area and the annexation proceedings shall be considered terminated.
- H. Subsection G does not prohibit the Council from excluding from a proposed annexation the property within an unincorporated island for which protests have been filed and proceeding under the standards of this Section to annex some or all the remaining portion of the unincorporated island.
- I. Copperton shall not initiate an annexation that fails to comply with the policies established in this Chapter.
- J. Before approving the annexation, the Council shall seek recommendations from the Planning Commission regarding the zoning to be applied to the annexed land.