

# Levan Town Annexation Policy

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This document has been prepared to outline the procedures and requirements in order to annex unincorporated areas of Juab County to be included into Levan town limits. The annexation policy plan will be regulated by [State Code 10-2-4](#) and Levan Town Code (as amended).

## 1.0 - Annexation Overview

Annexation is the process through which properties outside the Town's boundaries are incorporated as part of the Town. This process includes an application by property owners to the Town and a public hearing process where stakeholders can discuss the issue. Petitions for property to be annexed into the town are initiated by property owners.

This document is intended to provide the Town with a Policy Plan that shall guide the development and expansion of the municipal boundaries through annexation in a manner that is consistent with the General Plan of the Town, Juab County, and the laws of the state of Utah.

It is the intent of this plan to protect and enhance the private property rights of property owners within the municipal boundaries of Levan Town, in the Levan Town Annexation Policy Plan area, and surrounding unincorporated areas of Juab County. Further, it is the intent that the regulations contained herein shall encourage sound planning practices and reduce many of the major sources of problems usually associated with the annexation process.

Except for Nephi roughly ten (10) miles to the north, there are no incorporated communities near Levan Town. While the possibility to annex and grow is prevalent in almost all directions, there are several regions that the town is currently focused on:

- The park directly to the north of current town boundaries is not within Levan. Because the town provides services to this park the town would like to include it within their boundary as soon as possible.
- The most pressure for residential growth is coming from the north, west, and east. Based on current zoning within the Town, residential development will continue to expand going to the east while mixed use or commercial will go primarily west.
- Annexation could occur to the south but because of natural barriers additional steps would need to be taken in order to meet the Town safety standards.

Growth occurs through the annexation of adjoining unincorporated property within Juab County. The general plan suggests the development of criteria for annexation that includes things such as; logical extension of existing services, cost-benefit relationships between land-use, tax-base and municipal services, and proactive planning for the purpose of controlling development adjacent to or surrounding the Town.

## 2.0 - Financing of Services and Extensions

All extensions of municipal services must comply with all Town ordinances and policy criteria. The costs of these improvements shall be paid for by the individual developer or property owner who is applying for the new service, except under those limited circumstances where the Town requires that the facilities be oversized to create excess capacity. In these cases, the Town will provide reimbursement for such over-sizing or excess of capacity if completed within 10 years of approval.

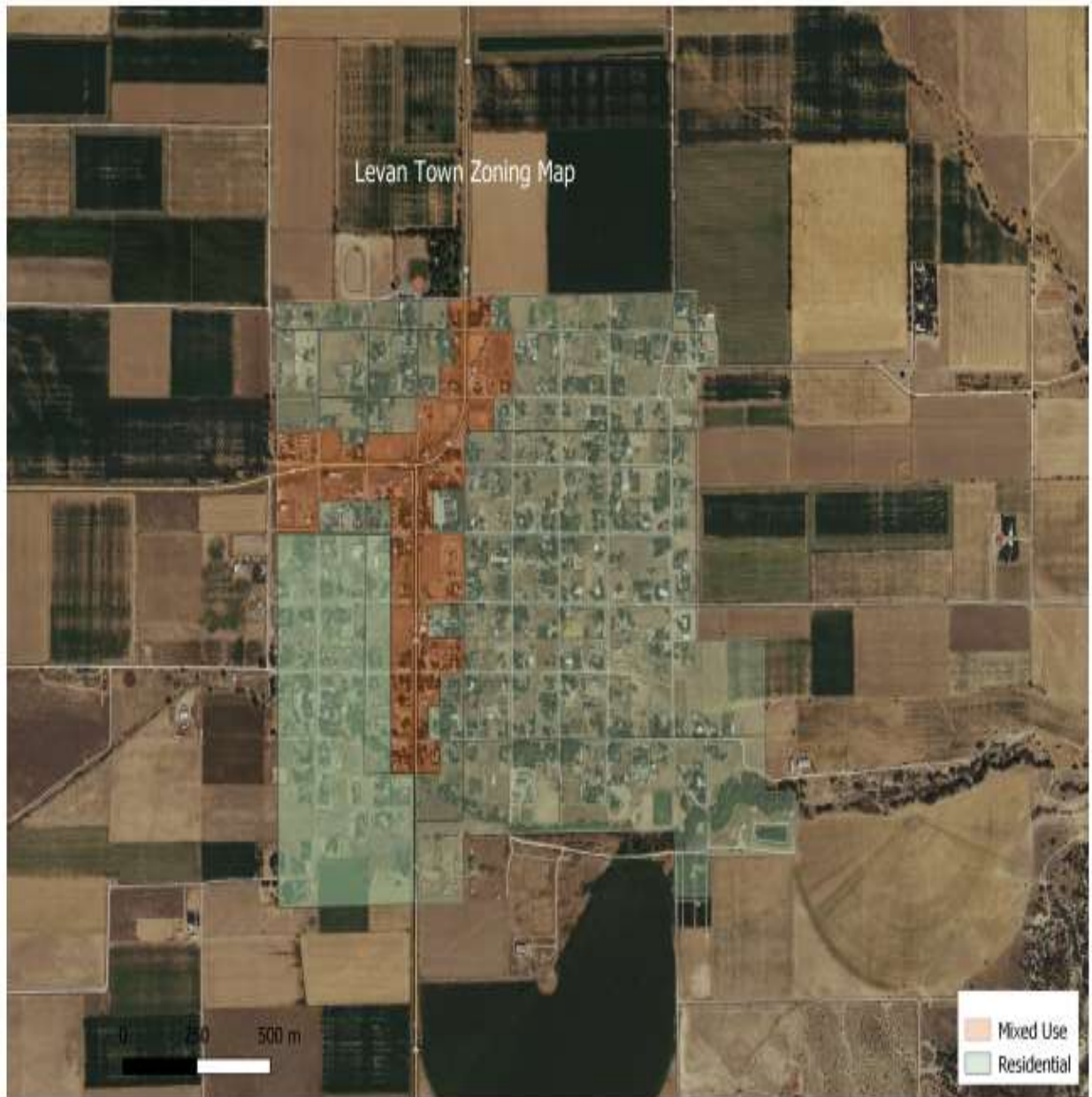
An annexation agreement will be prepared between the Town and future developers. These agreements need to outline specific circumstances relating to water and sewer, power and streets, and other relevant improvements prior to annexation approval.

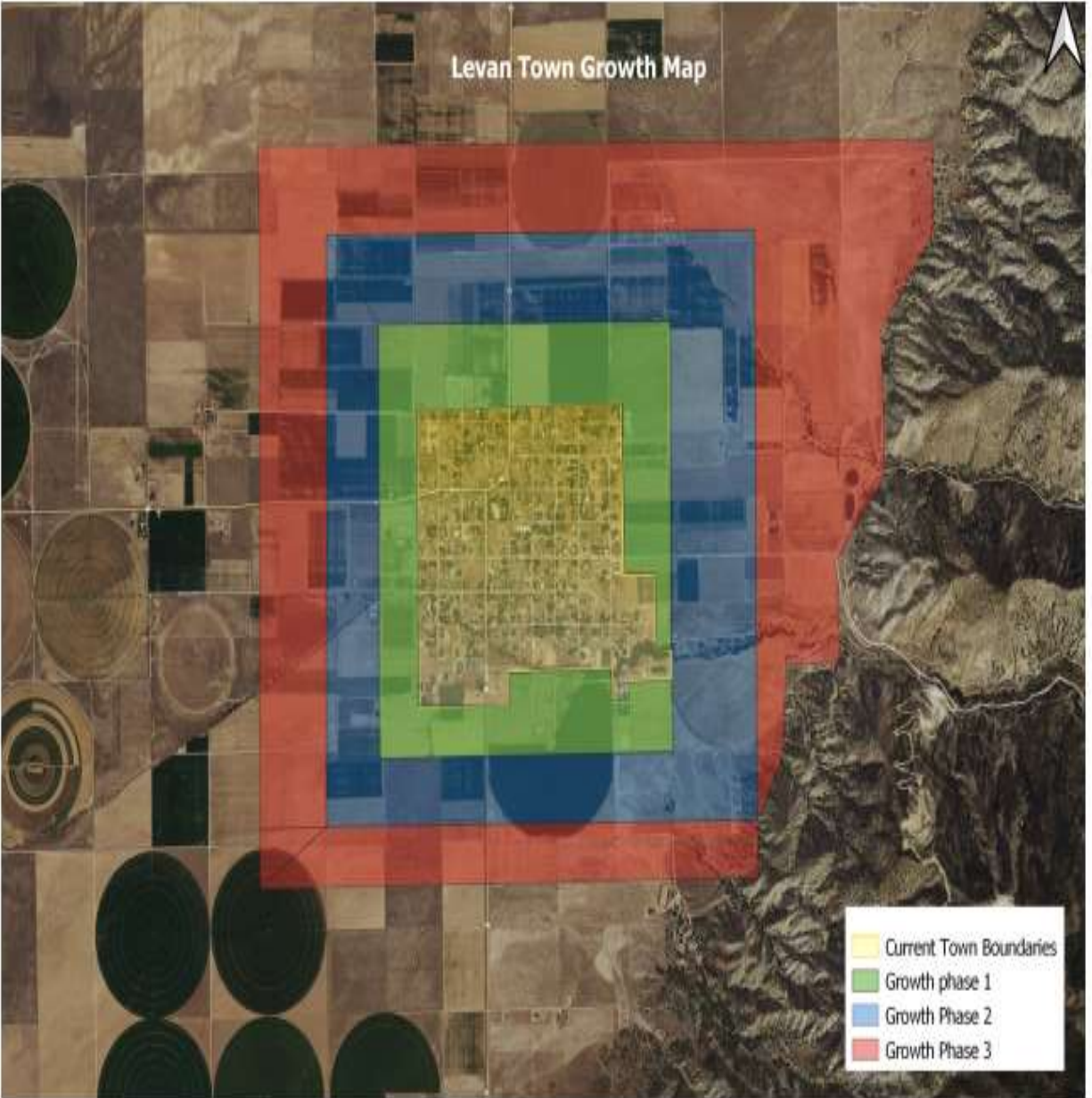
**3.0 - Current Areas of Focus for Future Annexation**

Levan Town will implement a phased approach to future annexation and growth. Phase 1 will be the land directly adjacent to the current Town limits. The growth in Phase 1 will be the first priority to Levan because of the ability to provide services, and this growth should continue the current pattern that has been established by the General Plan. Phase 2 growth is land the Town considers important to future growth, but under current circumstances it would be difficult to provide services and growth. Phase 3 is land that is important to the future growth of the community and the Town would like to preserve for future uses. It is anticipated that the Town will continue to carefully consider each annexation proposal within the adopted boundary as the need arises and as resources are available.

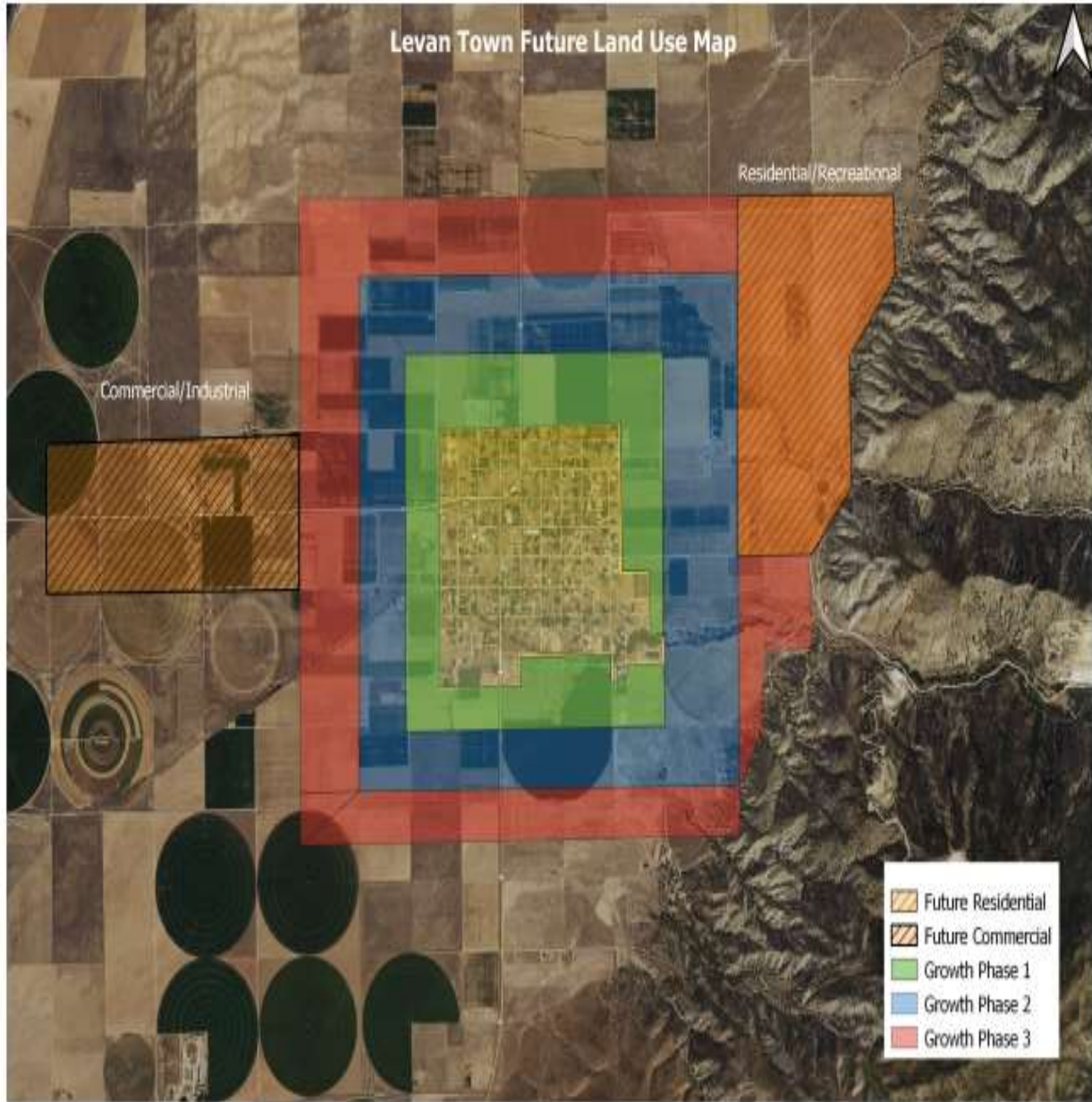
Future zoning will follow the pattern established within property currently within Town limits. The Town will encourage mixed uses going to the west and residential continuing east.

**4.0 - Current Maps**









**5.0 - Annexation Petition Review Matrix**

The following criteria will be used by the Town Council as they evaluate applications for annexation into the Town.

Criteria for Consideration	
<b>Character of the community.</b>	<ol style="list-style-type: none"> <li>1. The annexation will accommodate development consistent with the zoning and use allowed in the area.</li> <li>2. Annexation will initiate site improvement, i.e. public utilities and streets, parks or other public features.</li> </ol>

	<ol style="list-style-type: none"> <li>3. The annexation does not create or exacerbate an existing peninsula or island, unless the Town Council determines that not annexing the entire unincorporated island or peninsula is in Levan Town’s best interest.</li> <li>4. The annexation shows consistency with the community vision as outlined in the current General Plan.</li> <li>5. The area is contiguous to the municipality and located within the Levan Town Annexation declaration area.</li> </ol>
<p><b>The need for municipal services.</b></p>	<ol style="list-style-type: none"> <li>1. The land owners requested annexation as a means to gain access to culinary water. Adequate culinary water rights acceptable to the Town must be turned into the Town as part of the annexation process. These must be legally transferable water rights. The requirement is 1.5 acre feet of culinary water per ½ acre lot, or potential ½ acre lot, annexed. These water rights need to be converted to culinary water before being accepted by the Town.</li> <li>2. The annexation applicant will provide storm sewer improvements to benefit annexed land owners if required by an engineer licensed by the state of Utah.</li> <li>3. The extension of utilities in this area will enhance the overall Town system.</li> <li>4. Facilitate the consolidation of overlapping functions of local government.</li> <li>5. Promote the efficient delivery of services.</li> <li>6. Encourage the equitable distribution of community resources and obligations</li> </ol>
<p><b>The municipality’s plan for extension of services.</b></p>	<ol style="list-style-type: none"> <li>1. The area to be annexed will allow for an orderly extension of culinary water, wastewater, and street system enhancements.</li> <li>2. The annexation will allow for orderly extension of utilities by providing easements, right-of-ways or street dedication.</li> <li>3. The extension of utilities corresponds to the Town’s Capital Improvement Plan.</li> </ol>
<p><b>How services will be financed.</b></p>	<ol style="list-style-type: none"> <li>1. The applicant will fund the extension of all required services at the cost of the applicant.</li> <li>2. The Town will extend service with reimbursement through user fees or impact fees.</li> </ol>
<p><b>An estimate of the tax consequences.</b></p>	<ol style="list-style-type: none"> <li>1. The tax increment increase, if any, is recognized by the petitioner.</li> <li>2. The property certified tax rate for existing parcels within the Town limits will not be increased to provide for the annexation</li> </ol>

	of any area.
<b>The interests of all affected entities.</b>	<ol style="list-style-type: none"> <li>1. The annexation will not create boundary alignment problems with elementary or secondary schools.</li> <li>2. The annexation does not extend beyond the limits of the adopted annexation policy plan.</li> <li>3. Other services, i.e., secondary water, natural gas, electrical power and communications facilities, are available or reasonably available to the site.</li> </ol>

**6.0 - Annexation Process**

**Step 1: Annexation Petition**

The applicant makes an application with the Levan Town Clerk for annexation that includes:

1. A map of the proposed annexation area
2. An Annexation Petition containing:
  - a. The signatures of the owners of private real property that:
    - i. Is located within the area proposed for annexation,
    - ii. Covers a majority of private land area within the proposed annexation,
    - iii. Is equal in value to at least 1/3 of the value of all private real property within the proposed annexation.
      1. \*Exception: petitions to annex areas within an agricultural protection area created under [Chapter 17.41, Utah Code](#), must provide signatures that cover 100% of the private land area.
      2. \*Exception: if all the real property within the area proposed for annexation is owned by a public entity other than the federal government.
    - iv. Plans presented in a form acceptable to the Town containing an accurate and recordable annexation plat, prepared by a licensed surveyor, of the area proposed for annexation.
    - v. A list designating up to five signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.
    - vi. A non-refundable application fee as outlined in the current Town fee schedule.
    - vii. An approved project plan must be submitted concurrently with an annexation petition.
3. After submitting the application to the Town Clerk, the applicant delivers or mails a copy of the petition and maps to the Juab County Clerk.

**Step 2: Acceptance or Rejection of the Annexation Petition**

The petition shall be considered accepted for further review by the Town Council if they fail to deny it for further review at the next available Town Council meeting, under the guidelines of [10-2-405 Utah Code](#).

1. Within thirty days of Town Council acceptance of the petition for further review, the Town Clerk will deliver or mail to the petition applicant a written determination stating whether or not the petition satisfies Utah Code.
2. As needed, petitions rejected by the Town Clerk may be amended to correct deficiencies. For example, if a petition does not have the required number of signatures, the applicant may obtain additional signatures and resubmit the petition to the Town Clerk.

### **Step 3: Planning Commission Recommendation**

The applicant must be in attendance at the Planning Commission meeting. The applicant will be given an opportunity to address the Planning Commission and may wish to prepare a concise statement providing support for a positive recommendation of the petition from the Planning Commission to the Town Council.

### **Step 4: Approval or Denial of Annexation Petition**

The applicant must be in attendance at the Town Council meeting. The applicant may be given an opportunity to address the Town Council and may wish to prepare a concise statement providing support for approval of the petition. Questions about the annexation process should be directed to the office of the Town Clerk.

## **7.0 - Definition of Terms**

**Affected Entity:** A county in whose unincorporated area the area proposed for annexation is located; an independent special district under UCA Title 17A, Chapter 2, Independent Special Districts, whose boundaries include any part of an area proposed for annexation; a school district whose boundaries include any part of an area proposed for annexation, and a municipality whose boundaries are within 1/2 mile of an area proposed for annexation.

**Area of Influence:** That geographic area surrounding the Town that is defined as contributing to and creating the environment in which the community exists, i.e. scenery, mountains, rivers & streams, wildlife, farms and agricultural lands, etc.. This area of influence shall generally be consistent with the outer tier of the Growth Phases Map, but in some cases may not be due to unique characteristics that do not follow geographic boundaries.

**Agricultural Protection Area:** That area designated within the "Expansion Area" according to UCA [Title 17, Chapter 41](#), Agriculture Protection Area, as an Agriculture Protection Area.

**Annexation Petition:** A petition under UCA [10-2-403](#) proposing the annexation to a municipality of a contiguous, unincorporated area that is contiguous to the municipality.

**Commission:** A Boundary Commission established under UCA [10-2-409](#) for the county in which the property that is proposed for annexation is located.

**Contact Sponsor:** That person listed on the annexation petition as the "Contact Sponsor".

**Contiguous:** That the property or area share a common border and are next or together in sequence.

**County:** Means Juab County.

**Expansion Area:** The unincorporated area that is identified in an annexation policy plan under UCA [10-2-401.5](#) as the area that the municipality anticipates annexing in the future.

**Personal Representative:** The signature of a person signing a petition or protest in a representative capacity on behalf of an owner. This signature is invalid unless the person's representative capacity and



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the name of the owner the person represents are indicated on the petition or protest with the person's signature, and the person provides documentation accompanying the petition or protest that substantiates the person's representative capacity. A duly appointed personal representative may sign a petition or protest on behalf of a deceased owner.

**Petitioner:** The owner of real property, for purposes of each provision of this part, which requires the owners of private real property covering a percentage or majority of the total private land area within an area to sign a petition or protest.

**Petition Sponsors:** The majority of the petitioners or qualified personal representatives of petitioners of an annexation petition that are designated by the petitioners as "Petition Sponsors", one of whom is designated as the "Contact Sponsor".

**Private:** With respect to real property, means not owned by the United States or any agency of the federal government, the state, a county, a municipality, a school district, a special district under UCA Title 17A, Special Districts, or any other political subdivision or governmental entity of the state.

**Owner of Real Property:** The recorded title owner according to the records of the County Recorder on the date of the filing of the petition or protest.

**Qualifying Parcel:** A parcel of real property represented in the calculation of the required percentage or majority of petitioners owning said parcel, where the petition or protest is signed by owners representing a majority ownership interest in that parcel; or if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel;

**Value of Private Real Property:** The value as determined according to the last assessment roll for county taxes before the annexation petition or protest.