

4.7 ANNEXATION POLICY PLAN

This Annexation Policy Plan is written to provide the Town of Elwood with a growth pattern 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 of Elwood and Box Elder 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 owner's within the municipal boundaries and in the unincorporated areas surrounding the Town. It is the intent further 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.

This Plan has been developed in accordance with Section 10-2-401.5 of the Utah Code. As such it represents a statement by the Town of its intent and willingness to incorporate the property shown on the attached map within the corporate boundary of the Town.

4.7.1 Character of the Community

The residents of Elwood have repeatedly identified community character, its so-called "rural-town atmosphere" as one of the primary strengths and contributors to the quality of life of the Town. This rural-town atmosphere is apparent in the open undeveloped agricultural and open space areas creating a clear sense of municipal boundaries. Within the context of an annexation proposal, the Town will weigh the desired annexation against the impact to this perception of rural-town atmosphere. Annexations that can help preserve open space and agricultural lands will be considered, as will annexations that can provide a developed setting consistent with community character.

4.7.2 Municipal Services in Developed and Undeveloped Unincorporated Areas

Elwood Town as a small community provides limited municipal services to the residents of the Town. The following are a list the municipal services which Elwood provides:

- Culinary water
- Parks and Recreation
- Planning & Economic Development

Areas within the annexation policy plan boundary either currently receive or will in the future receive one or more of these services. In considering proposed annexations, Elwood Town will assess the existing capacity of the services along with the additional demand for services that will be placed upon the Town by the annexation. Additional service demands will be weighed against additional revenues and other benefits that can be expected to accrue to the Town as a result of the proposed annexation. These revenues and benefits may include:

- Property tax revenue
- Sales tax revenue
- Utility hookup fees and monthly billings
- Impact fees
- Intangible benefits that can be obtained that accomplish a stated goal of the Elwood Town's General Plan.

The Town Council will use this assessment in determining whether or not to grant a petition for annexation.

4.7.2 Plans for Extension of Municipal Services

Elwood Town will extend municipal services in the following areas:

Culinary Water

The Town of Elwood has a developed culinary water system to provide potable water to homes and business. In 2004 the City had Capital Facilities Improvement Plan done due to increasing residential growth and anticipated commercial development within the Town. This study determined that there were about 38 ERC's (Equivalent Residential Connection) based on the reserve capacity of the water system based on the existing water sources.

The existing pipe transmission and distribution system was found to be adequate to handle peak demand from existing users. However, when adding the required minimal standard for fire flow the existing system lacks the capacity to provide minimal fire suppression to many areas of the City. Expected growth will place serious demands on the existing system.

- Water Sources

The Town of Elwood has two primary sources of culinary water these are located in two deep underground wells and a spring located in the foothills east of Honeyville and Deweyville. The table below lists the existing sources of culinary water for the Town.

Water Source	Quantity	Reliable Quantity	Actual Daily Supply
Upper & Lower Well	0.891 CFS*	576,000 gpd*	528,000 gpd
Cold Water Spring	0.555 CFS	358,560 gpd	18,720 gpd
Total	1.446 CFS	934,560 gpd	546,720 gpd

Source: Elwood Culinary Water System CIP, Feb 2004

CFS – cubic feet per second

gpd – gallons per day

The Town has an application for additional 2.0 CFS of water that they are working with the State for approval. This additional water will be developed from the two existing wells.

- Water Storage

Currently, the Town has two 200,000 gallons concrete storage tanks for a total capacity 400,000 gallons. These tanks are located in the same general location as the City's wells and spring. The City is working with the State of Utah to development a third 500,000 gallon storage tank. This is part of the upgrade to the Town's water system. This would give the City a total storage of 900,000 gallons

- Water Distribution System

Elwood will continue to see growth and with this growth the Town will need to improve the transmission and distribution system and development more capacity for culinary water to meet the needs to the Town. The Town has been working with the State Division of Drinking Water in acquiring a low interest loan to make the necessary improvements to provide for the Growth and the fire protection needs of the community.

In addition to making the needed improvement the Town is also considering the development of the secondary water system. This would help in not having to use valuable culinary for none culinary uses. The Town is also working to started to collect excess irrigation water rights from developed land

Parks and Recreation

Open space and parks are essential elements in the development of a community. They provide a buffer from complete structural development and an established system serves as a benchmark against which the quality of life within a community can be measured. Undeveloped open space provides a sense of boundaries and contributes to the small town atmosphere valued by residents of Elwood. Currently, there are two parks available to the residents of Elwood which provide a variety of recreational needs for the residents of Elwood. The Town of Elwood owns and maintains Hansen Park located next to Bear River. The other park is Peterson Park which is also along the Bear River. The Peterson Park is a private park owned, operated, and maintained by the LDS Church.

Planning and Economic Development

Elwood Town provides planning services through the efforts of the Planning Commission. Access to these services will be available to all properties annexed into the corporate limits of Elwood Town.

How services will be financed

Financing of services in the expansion area will be similar to financing of these services within the current corporate boundary. Infrastructure needed to service developed properties is installed at the expense of the developer. Upon dedication to, and acceptance of this infrastructure by the Town, maintenance is at the expense of the Town with the costs of operation and maintenance offset by a combination of property tax and sales tax revenues, class C road funds, and utility charges. In addition, the Town imposes impact fees to offset the impact on off-site infrastructure systems from new development.

Estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area

Elwood Town's current property tax rate is 0.009650. The rate currently assessed on properties in the unincorporated county is 0.009296. The difference in annual property taxes for a property with a taxable value of residential home of \$100,000 is \$19.47. This assumes that property tax rates in both Elwood and Box Elder County remain unchanged. Elwood does not anticipate raising property taxes as a result of annexation of properties within the expansion area. The Town's economic development program is designed in part to provide revenues to the Town without the need to raise property tax rates.

4.7.3 Interests of all Affected Entities

The annexation of land from one jurisdiction to another has an affects a number of different entities. In the case Elwood Town there are limited affected entities for the community to deal with. Below is a discussion of the different affected entities and their concerns:

Box Elder County– The effect of annexation on the tax base of Box Elder County will be either neutral or positive. Annexed properties will continue to pay Box Elder County property tax assessments, and it is likely that the value of these properties will increase with access to Elwood Town services, thus raising the net property tax revenue to Box Elder County. Box Elder County will also benefit from reduction in certain service demands to these properties.

Box Elder School District – Properties within the expansion area will remain in Box Elder School District and will continue to pay the district’s property tax assessment. Therefore, the impact of annexations to the school district will be neutral.

Municipalities – The Elwood Town Annexation Policy Plan has been coordinated with the surrounding communities of Bear River City, Tremonton, Honeyville, and Deweyville. Any overlaps can be dealt with by amendment of the expansion area maps, or by recognizing the areas of overlap and dealing with them on a case-by-case basis as property owners petition one city or the other for annexation.

4.7.4 Expansion Area Boundary and Definitions

The management of growth and expansion shall be in levels or progressive steps of development. These levels shall separate areas of the unincorporated county into areas that the Town of Elwood has identified as possible areas of expansion and estimated when services shall be needed and available. These areas will be coordinated with the County to ensure that growth is consistent with City/County goals and plans. By discouraging growth in outlying areas and encouraging growth in areas where services are available, the step approach shall create a more efficient use of public facilities.

Growth plans shall be short, moderate and long-term. Long-term plans shall include those areas where there are no immediate plans for development or infrastructure to provide service within the next 10-15 years. Moderate-term plans shall be for those areas where services can be extended reasonably within the next 5-10 years. Short-term plans shall include those areas where services presently exist or could be developed within a relatively short period of time.

The adoption of a long-term geographic boundary or Expansion Area is provided to delineate the point beyond which the Town of Elwood does not plan to provide services. This Expansion Area Boundary is adopted as a part of the General Plan and should not be changed without compelling reasons. It is intended to be a fixed boundary for the life of the General Plan and essentially defines the community’s “Area of Influence”.

The growth areas of the Town of Elwood shall be of sufficient size to accommodate planned commercial and residential growth consistent with the General Plan, taking into account the following:

1. Land with natural constraints, i.e. Sensitive lands, watersheds, water drainage, cliffs, steep slopes, views, vegetation preservation, etc.
2. Agricultural Land to be preserved.
3. Greenbelt and open space lands.
4. Public street projections and reservations.
5. Existing projects with development potential.
6. Land use patterns already created by existing subdivisions, recorded plats, or large lot divisions, etc.
7. Plans to continue the building pattern in existing developments to their completion.
8. Preservation of public infrastructure and water sources.
9. Needs for preservation of open-space, parks, wildlife habitat.

The following factors shall be considered in determining the precise location of Annexation Growth Area Boundaries:

1. Geographic, topographic, and manmade features;
2. The location of public facilities;
3. Availability of needed services; limits of capacities and extension limits.
4. Jurisdictional boundaries of other public entities and improvement districts.

5. Location of natural resource lands and critical areas.

Planning growth in this way shall provide the following advantages to the Town of Elwood.

1. Encourage an efficient development pattern.
2. Identify and maintain protected Agricultural Areas.
3. Avoid unnecessary and premature consumption of land that cannot be developed or serviced efficiently.
4. Provide a focused plan for preserving existing public facilities and capital investments and extension of public facilities in the future.
5. Develop and maintain fiscal integrity in city operations by encouraging the full utilization of existing streets and other public facilities.
6. Diversify and strengthen the tax base of the community.
7. Encourage the development of local job opportunities.
8. Protect and preserve natural and environmental features that are desired by the community.
9. Provide for future developments by advanced mapping of needed facilities and services.
10. Facilitate development by providing sufficient areas within each tier and planned zones appropriate to support anticipated populations.

Level 1 - Present Growth Area

These are areas that already have homes, businesses and necessary public services. Level 1 includes those areas identified within the present boundaries of the community and the related zoning districts, which define their use. (See Zoning Map) The intent of this Level is to utilize existing facilities and utilities to their full extent before extending beyond their present use. These would also include all areas within the City that are considered to be peninsula or island as defined by Utah State Code.

The infrastructure needs of Level I is shown on the Annexation Policy Plan Map, and is based on the following criteria:

1. Proximity to existing roads and streets.
2. Completion of previously approved projects and filling in available lands within the present town boundaries.
3. Previously approved service development projects.
4. Wise utilization of the capacities of existing services.
5. The need for commercial areas where desired.
6. The need for recreational areas in developed areas.
7. Location and need for affordable housing.
8. The need for manufacturing & industrial areas.
9. Adjacency to and continuation of other similar uses.

Level 2 - Planned Growth Area.

These are areas just outside of the present boundary of the community that the existing utility system can service without major expansion and demand on the present system. These are areas where development can be expected in a time frame of 5 to 10 years. The intent is to provide services within the capacity of existing utilities but may require extension to the annexed areas. "Cluster" type development may be given priority in areas outside the Town of Elwood to preserve open spaces, agricultural area, and concentrate services for efficiency. Additional facilities and services that shall be required for

annexations in this area shall be provided by public and private resources according to the following criteria:

1. Logical capital improvement phasing over a 5-10 year period.
2. Availability of funding for improvements.
3. Present roads exist, and may be platted, but do not meet planned capacity standards. Needed improvements are identified and financing available.
4. Public utilities are not yet available and needed improvements have been planned and financing identified.
5. Large tracts of undeveloped land remain in this level and their future use has been discussed and made a part of this plan.
6. Future growth areas have been identified by type of land use consistent with the General Plan, i.e. Density, agricultural preservation, open-space, zoning, cluster housing, etc.
7. Existing utilities are reasonably close, and do not require disproportionate demands on the existing systems of the Town of Elwood.

Level 3- Future Growth Area.

This Level is identified on the Annexation Plan generally for 10-20 years. The intent is not to encourage development until Level 1 & 2 are adequately “filled in”. Growth in this Level shall relate to more long-range plans than Level 1 & 2. The primary intent of this Level is to protect water-sheds, control flooding, protect and manage the sources of potable water, and provide a buffer between residential areas and those areas that are reserved for open space, wildlife, etc. In this level there may be plans for future annexation of lands that extend beyond the feasible capacity of presently planned water system and other services as identified on the Growth Area Map. This area will generally be very low density to ensure that property owners use their lands as they desire over longer periods of time without infringement. Phasing in of development shall be planned 15-20 years ahead according to the following criteria:

1. Agricultural Protected Land reservations.
2. Preferred tax treatments to remain rural.
3. Green-Belt reservations and Tax Implications.
4. Open Space Designations.
5. Coordination between County and City/Town to discourage speculation.
6. Isolated individual homes or cluster housing to maintain open areas
7. Wildlife and Forested Area designations.
8. Other means consistent with the economic use of these lands.
9. Preservation of individual property rights.
10. Hillside/Hilltop Protection is needed.

4.7.5 Annexation Growth Map to Be an Overlay.

The Growth Boundary Map is to be an overlay on the Land Use Districts Map of the City and the County, and shall provide a view of present and future uses of land the Town of Elwood, to make efficient use of resources 20 years into the future. This should be updated every 3-4 years along with the General Plans.

4.7.6 Agriculture Protected Areas.

The Annexation Growth Map shall recognize the Agriculture Protection Area Map adopted by the County. Growth Area Maps shall identify and be sensitive to this area. Future development of these

lands shall be planned in coordination with the property owners in these areas within the intent of protecting agricultural lands consistent with right to farm laws.

4.7.7 Annexation Limitations - 10-2-402 UCA, 1953

Contiguous Area: The Town of Elwood shall only consider lands for annexation that meet the following criteria:

1. It is a contiguous area according to the definition herein.
2. It is contiguous to the municipality.
3. The annexation shall not leave or create an unincorporated island or peninsula; and
4. The area is within the proposed annexing municipality's expansion area.

Necessity of Petition:

A formal petition requesting annexation shall be filed with the Town Clerk before an annexation shall be considered, except as provided in Section 10-2-418 UCA, regarding the annexation of peninsulas, islands or area where the Town of Elwood is providing services as defined by law, in which case the Town of Elwood can initiate the annexation petition.

Whole Parcels:

An annexation under this part may not include part of a parcel of real property and exclude part of that same parcel unless the owner of that parcel has signed the annexation petition.

Revenue Purposes-Not Sole Reason:

It shall be the stated policy of the Town of Elwood to not annex an unincorporated area for the sole purpose of acquiring municipal revenue.

Limitation of Other Municipalities Growth

The Town of Elwood shall not annex unincorporated areas in an effort 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.

County Limitation of Urban Developments

Pursuant to State Law, it is understood and agreed that the County shall not approve residential or commercial development within the Town of Elwood's Expansion Area unless:

1. The County notifies the municipality of the proposed development; and
2. The Town of Elwood consents in writing to the development; or
3. The Development meets the same standards of construction as the related Town; and
4. Within 90 days after the County's notification of the proposed development, the municipality submits to the county a written objection to the county's approval of the proposed development; and
5. The County responds in writing to the municipality's objections and the concerns are resolved to their mutual satisfaction.

4.7.8 Statement Addressing Any Comments Made By Affected Entities.

A public meeting was held by the Planning Commission on November 5, 2002 to accept comment on the annexation policy plan from affected entities. “Affected entities” are defined by the Utah Code as:

A county in whose unincorporated area the area proposed for annexation is located;

- An independent special district under 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 ½ mile of an area proposed for annexation.

The Utah Code also provides for a period of ten days following the public meeting in which written comments from affected entities may be submitted. Copies of the public meeting minutes and written comments received are included in this Annexation Policy Plan

The following responses are provided to both oral and written comment from affected entities.

Bear River City:

Public Meeting Comment	Response
Written Comment	Response

Tremonton:

Public Meeting Comment	Response
Written Comment	Response

Honeyville:

Public Meeting Comment	Response
Written Comment	Response

Deweyville :

Public Meeting Comment	Response
Written Comment	Response

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