

RESOLUTION NO. 2022-05-22

AN ORDINANCE AMENDING REPEALING SECTION 17.1.300 OF THE AMERICAN FORK CITY CODE RELATING TO ZONING OF ANNEXED TERRITORY AND ADOPTING CHAPTER 17.20 RELATING TO ANNEXATION POLICIES AND PROCEDURES.

WHEREAS, the City is authorized to enact ordinances as are necessary and proper to promote the health, safety, morals, convenience, order, prosperity, and general welfare of American Fork; and

WHEREAS, the City is authorized by law to enact ordinances establishing regulations for development within the city; and

WHEREAS, it is in the best interest and general welfare of residents of American Fork to amend the city code relating to Annexation Policies and Procedures.

NOW THEREFORE, be it ordained by the City Council of American Fork, Utah that;

**PART I
Text of Ordinance**

1. Section 17.1.300 shall hereby be repealed.
2. Chapter 17.20 relating to Annexation Policies and Procedures shall read as follows:

Section 17.20.010 Purpose and Intent.

The annexation requirements specified in this chapter are intended to protect the general interests and character of American Fork City by assuring the orderly growth and development through: coordinating and planning utilities and public services; preserving open space, enhancing parks and trails; ensuring environmental quality; protecting entry corridors, view sheds and environmentally sensitive lands; preserving historic and cultural resources; creating buffer areas; protecting public health, safety, and welfare; and ensuring that annexations are approved consistent with the American Fork City General Plan. It is the intent of this ordinance to conduct annexation proceedings in accordance with Utah State law and in particular § 10-2-401 et. seq. of the Utah Code, and any other applicable federal, state, or local laws governing municipal extension. If there is any conflict between this Chapter and the provisions of the Utah Code, the provisions of the Utah Code shall dictate. When amendments are made to the Utah Code, they shall cause like amendments to this Chapter. The requirements of this Chapter are supplementary and in addition to those found in the Utah Code. Annexations are legislative matters and applicants should be aware that the City is not required to accept any petition or application for annexation, regardless of location, even if the proponent of an annexation is prepared to comply with all provisions required for annexation.

Section 17.20.020 General Annexation Requirements.

All applications for annexation must comply with the following general requirements and be consistent with the Utah State Code requirements for annexation:

- A. The area must be contiguous to American Fork City;
- B. The area must be a contiguous area;
- C. If the annexation is by petition, the area proposed for annexation cannot create an unincorporated island or peninsula;
- D. The annexation may not propose the annexation of all or part of an area proposed for annexation in a previously filed petition that has not been denied, rejected, or granted;
- E. Every annexation shall include the greatest amount of contiguous property area, which is also contiguous to the City's municipal boundaries.

Section 17.20.030 General Plan and Zoning Designation.

- A. All annexations shall be consistent with the American Fork City General Plan. Consistency with the General Plan comprises all elements of the plan. If the proponent of an annexation proposes zoning or any other issue that is inconsistent with the General Plan, the proponent shall be required to apply for an amendment to the American Fork City General Plan.
- B. When land is annexed into the City it shall be given a zoning designation. Annexations may include more than one zoning district, if appropriate. The City Council may assign zoning to the proposed annexation or accept the applicant's zoning proposal.
- C. Existing uses may or may not be allowed in the annexation process. Animal rights, agricultural uses, and other uses, if inappropriate, may not be allowed following annexation.

Section 17.20.040 Annexation Application Requirements.

- A. The proponent for annexation shall make application on a form provided by the City and pay all applicable fees. The application shall include, at a minimum, the following information:
 - 1. An accurate annexation plat prepared and signed by a licensed surveyor. The plat shall identify each parcel included in the annexation and on each parcel label the owner's name, the tax identification number, acreage and proposed zoning. A 36 inch x 24 inch Mylar copy for recording must be submitted prior to the final public hearing before City Council;

2. A list of all parcels included on the annexation plat with tax identification numbers, acreage, names and addresses of all owners and land values as shown on the last county assessment roll;

3. For annexations by petition, a signed petition consistent with the requirements for petitions contained in the Utah State Code.

B. Proposed annexation plats must also be accompanied by an annexation impact statement consisting of the following:

1. A description of the area proposed for annexation identifying the existing land use(s) and those proposed by the petitioners;

2. Current and potential population of the area and the current residential densities and the intensity of current nonresidential uses in the area;

3. A statement of compliance with the American Fork City General Plan, including goals, policies and land use and how the proposed area, and any proposed land use(s) will contribute to the achievement of the goals and policies of the American Fork City General Plan;

4. The topography, vegetation, and other natural features present on the property to be annexed;

5. An identification of the demands for City provided facilities and services to the area proposed for annexation, at the existing and proposed land use(s), including potable water, irrigation water, wastewater, transportation facilities, drainage, fire protection, solid waste, parks and recreation, and police protection.

Section 17.20.050 Annexation Procedures.

A. The sponsor must schedule a pre-application meeting with the American Fork City Planning Staff for review of the annexation request and an opinion as to whether or not the area proposed for annexation will create an unincorporated island or peninsula. If it is the opinion of staff that the proposed annexation does not create an unincorporated island or peninsula, the sponsor will be advised to proceed with their application as an annexation by petition. If the Planning Staff determines that, in their opinion, the proposed annexation creates an unincorporated island or peninsula, the sponsor will be so advised and informed of alternative procedures to request annexation by resolution, if applicable.

B. A complete application for annexation shall be filed with the City Recorder.

C. The Planning Department will schedule the annexation request on the next available Technical Review agenda.

D. City staff will review the application and prepare an annexation report for the Planning Commission and City Council. The report shall identify:

1. Potential demand for City facilities and services;
2. Consistency with the American Fork City General Plan, including the achievement of goals and policies of the American Fork City General Plan and identifying any revisions and amendments to the General Plan required by the annexation;
3. The identification of the distance from existing city utility lines to the boundary of the annexing property;
4. Zoning required or recommended;
5. Distances to public schools, parks and shopping centers for traffic generated by the proposed land uses;
6. Timetable for extending city provided utility lines and services to the area and how these services will be financed, if applicable;

E. The City Council may decide to either accept the annexation application for further review or deny the application. Denial of an application for annexation will have the effect of ending any further review of the proposed annexation. In order to have the land annexed into American Fork City, the applicant will need to resubmit the proposed annexation as a new application and satisfy each of the requirements of this Chapter including the payment of all review fees.

F. If the annexation request is accepted for further review, proper notice shall be given in accordance with the annexation requirements contained in the Utah State Code.

G. A public hearing (10-day notice) will be scheduled with the Planning Commission for review and recommendation of the proposed zoning designation for the annexation.

H. Following the Planning Commission's review and recommendation on zoning and after all required notice has been met; a public hearing will be scheduled with the City Council for final approval of the annexation, including zoning designation.

I. An annexation agreement must be signed and applicable requirements met, including any water dedication requirements, prior to annexation plat recording and ordinance publication.

J. In order to provide accurate and current address information for EMS, fire, law enforcement, and utility services, any existing homes included in the annexation shall be assigned an American Fork City address. The new address will become effective at the time the annexation plat is recorded.

Section 17.20.060 Annexation Agreement.

A. Prior to final approval of any annexation, the proponent of an annexation and American Fork City shall enter into an annexation agreement specifying the terms and conditions of the annexation. Each annexation agreement will be based on a site-specific basis and the elements of the agreement may, differ on each annexation. Because each annexation agreement may differ,

each annexation shall be processed on a case by case basis with no precedent set by previous annexation agreements.

B. Each annexation agreement shall be signed by both the Mayor of American Fork City, upon ratification by the City Council, and the proponent of the annexation. By signing the annexation agreement, both parties are agreeing to uphold the provisions of the agreement as written. Amendments to the annexation agreement may be completed only if agreed to in writing by the City Council and the applicant.

C. The items listed below are issues that may be addressed in the annexation agreement, but are not necessarily a complete list of items that may be addressed by the City Council or staff.

1. Each annexation agreement shall include a description of the property, complete with a legal description and amount of acreage;

2. Each annexation agreement shall include the designated zoning. The City Council may require actual density to be indicated in the annexation agreement, as well as the proposed development layout and provision of services. The circulation pattern for the area and alignment of other City services will be indicated to the City Council. However, approval of an annexation shall not be considered development approval. Following annexation approval, each applicant shall be required to complete the development approval process;

3. Each annexation agreement will indicate areas proposed for trails, open space, and recreation areas. The agreement will specify ownership of these areas and any proposed maintenance arrangements.

4. Each annexation agreement shall indicate the transfer and dedication of water rights or entry of a Water Conveyance Agreement. The City Council may require limits of disturbance plans to be indicated along water courses and bodies, steep slopes, wetlands, view sheds, and other environmentally sensitive areas.

6. The City Council may impose any other appropriate requirements in the annexation agreement that will mitigate potential impacts to American Fork City.

Section 17.20.070. Water Rights Conveyance Requirements.

A. All property annexed into American Fork City shall comply with Section 17.1.400, Conveyance of Water.

PART II

SECTION 1— Conflicting Provisions. Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

SECTION 2 — Provisions Severable. This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

SECTION 3 — Effective Date. This Ordinance shall take effect upon its passage and publication as required by law.

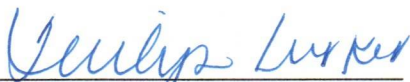
PASSED, by the American Fork City Council this 24th day of May, 2022.

MAYOR:


BRADLEY J. FROST



ATTEST:


CITY RECORDER