

## CHAPTER 27

### ANNEXATION PROCEDURES AND WATER RIGHTS CONVEYANCE REQUIREMENTS

*(Amended 09/11/18)*

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#### **Section 27.010. Purpose and Intent.**

*(Amended 02/26/02)*

The purpose of this Chapter is to provide a process for the orderly extension of the Lehi City corporate limits through annexation. The process will allow the City Council, staff, and citizens of the community to carefully consider the effect of any proposed annexation and provide a method to mitigate potential negative impacts.

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 27.020. General Annexation Requirements**

*(New 02/26/02)*

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

- A. The area must be contiguous to Lehi 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.

#### **Section 27.030. General Plan and Zoning Designation.**

*(Amended 02/26/02)*

- A. All annexations shall be consistent with the Lehi City General Plan. Consistency with the General Plan comprises all elements of the plan, including but not limited to the Land Use Element, Parks, Recreation and Open Space Element, and any other element adopted as part of the General 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 Lehi City General Plan and follow the requirements of Chapter 4 of this Code.
- 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. The Transitional Holding-5 (TH-5) District may be designated, at the discretion of the City Council, for the annexation of land where no water is dedicated upon annexation and where no city culinary water or pressurized irrigation water services will be provided. Characteristic of this district is a continuation of uses and services existing at the time of annexation. All new uses must comply with Table 05-030-A, Table 05-040-A, and Table 12-060 of the Lehi City Development Code. Property may be annexed into the TH-5 district without the requirement of a General Plan amendment. It is, however, anticipated that when the property is rezoned, it will comply with the General Plan designation. Otherwise, a General Plan amendment will be required.

D. 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 27.040. Annexation Application Requirements.** (Amended 02/26/02)

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 Lehi 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 Lehi 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 27.050. Annexation Procedures.** (Amended 02/26/02; 07/10/07; 12/13/11)

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

B. A complete application for annexation shall be filed with the Planning Division.

C. The Planning Division will schedule the annexation request on the next available Reviewing Departments agenda.

D. The Reviewing Departments 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 Lehi City General Plan, including the achievement of goals and policies of the Lehi 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 as identified in the Lehi City Capital Improvements Plan(s) and how these services will be financed.

E. The Reviewing Departments report will be forwarded to City Council, and the annexation request will be scheduled on the next available City Council agenda for initial consideration. 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 Lehi City, the applicant will need to re-submit 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 a Lehi City address. The new address will become effective at the time the annexation plat is recorded.

### **Section 27.060. Annexation Agreement.**

*(Amended 02/26/02)*

A. Prior to final approval of any annexation, the proponent of an annexation and Lehi 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 Lehi 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 in accordance with Section 27.070 of this Chapter.

5. 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 Lehi City.

**Section 27.070. Water Rights Conveyance Requirements.** *(Amended 10/10/00; 08/07/01; 07/08/08; 09/09/08; 07/08/14; 3/24/15)*

A. All property annexed to Lehi City, or property already within the boundaries of Lehi City, for which the owner/developer initiates an application for a zoning district map amendment, or other development application which would increase the need for water service from Lehi City, shall provide water rights in an amount sufficient to satisfy the needs of the existing and future uses and occupants to be supplied by the Lehi City water system as provided by these guidelines. The owner/developer shall convey to the City, in accordance with these guidelines, water rights that entitle the City to an annual quantity, quality, and rate of flow sufficient to meet the water use requirements of proposed future development of such property. These water rights conveyance requirements shall be considered as a condition precedent to the approval of annexation, zone change, or other development application. The amount of water rights to be conveyed shall be determined according to the following schedule:

Zone District Classification	Culinary Water Rights Required in Acre Feet	Irrigation Water Rights Required in Acre Feet	Total Acre Feet Per Acre Required
A-5	0.09	3.60	3.69
A-1	0.45	3.24	3.69
R-1-22	0.79	2.90	3.69
RA-1	1.13	2.56	3.69
R-1-15	1.13	2.56	3.69
R-1-12	1.35	2.34	3.69
R-1-10	1.58	2.11	3.69
R-1-Flex	1.58	2.11	3.69
R-1-8	1.80	1.89	3.69
R-2	2.70	1.90	4.60
R-2.5	4.05	1.90	5.95
R-3	5.40	1.90	7.30
C, C-1, NC, CR, BP, LI	1.35	1.25	2.60*
PC	1.80	1.89	3.69*
MU (Commercial)	1.35	1.25	2.60*
MU (Residential)	1.80	1.89	3.69*
HCD (Commercial)	1.35	1.25	2.60*
HCD (Residential)	1.80	1.89	3.69*
TH-5	NA	NA	NA

\* Evaluation of the uses of the property may increase/decrease these required amounts.

B. Sufficient water rights as per the above table must be dedicated to Lehi City. A conversion chart showing the equivalent value of other sources is available at the Lehi City Planning Department. Subsequent to an annexation, if a zone district map amendment to a zone district requiring more water rights as indicated above is requested, or a development approval requiring more water service from Lehi City is requested, additional water shall be required at that time consistent with these guidelines.

C. Part of the water rights as determined by the Lehi City Engineer must be able to supply culinary water. CWP water is available from Lehi City for this purpose. Existing underground water rights from the Lehi area can also be used for this purpose, but must receive an approved change of use to municipal and point of diversion from an existing or proposed Lehi City well source. In addition, to

equate the CWP water, the developer must also pay a fee as determined by the City Engineer.

D. Prior to acceptance of water rights, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right which it determines to be insufficient in annual quantity, quality, or rate of flow, or which has not been approved for change to municipal purposes within the City of Lehi by the State Engineer. In determining the quantity of water available under the water rights requirements, the City will evaluate the priority of the water rights and the historic average quantities of water available to the water rights as determined by the State Engineer. The City will require an application for approval of the change of use and/or change of point of diversion as applicable with the State Engineer in order to quantify and verify the water rights.

E. Where an annexation contains property which is being annexed without the consent of the owner, or where water service will not be provided by Lehi City as a result of an annexation or boundary issue, or where a nonresidential development will provide a substantial portion of its own water needs, Lehi City may, in the exercise of the discretion of the City Council, not require the conveyance of water rights at the time of annexation as long as the resolution or ordinance annexing the territory:

1. specifically identifies such parcels; and
2. provides that any subsequent change in zoning district classification of such parcels initiated by the property owner or any increase in the need for water service to such parcels by Lehi City will require the conveyance of water rights to the extent necessary to provide adequate water to such development.

F. Anything in these guidelines to the contrary notwithstanding, for nonresidential developments and where the annexed property provides a substantial portion of its own water needs or where the annexed property, either residential or nonresidential, is part of an annexation consisting of over 1,000 acres, the city may in its sole discretion, enter into a development agreement which, among other things and by its own terms, shall specifically provide for an alternative schedule for compliance with these water rights conveyance requirements.

G. For all parcels which have been annexed without concurrent conveyance of water rights at the

time of annexation and which are not bound by an applicable development agreement, the city may file a notice of interest with the county recorder and maintain a map showing the location of such parcels.

H. If the owner of any property which is currently within the boundaries of Lehi City applies for an amendment to the Zoning District Map for such properties which would increase the need for water service by Lehi City, as a prerequisite to any approval of a Zoning District Map amendment, the owner of such property shall be required to convey additional water rights in an amount sufficient to address the difference between the amount of water rights previously reserved or conveyed to the City at the time of annexation and the amount of water rights now required sufficient to satisfy and serve the municipal water needs of the anticipated future uses as identified in Section 27-040(A). All water rights previously reserved for use by such property or conveyed as part of annexation to the City shall be considered as a credit towards satisfying the requirements of this Section. The burden shall be on the applicant to establish the amount and extent of such previously reserved or conveyed water rights.

I. If the owner of any property which is currently within the boundaries of Lehi City applies for a development approval, including an application for an Area Plan approval, an application for a Planned Residential Design or Planned Unit Development approval, or an application for subdivision or site plan approval which would increase the need for water service by Lehi City, as a prerequisite to any approval, the owner of such property shall be required to convey additional water rights in an amount sufficient to address the difference between the amount of water rights previously reserved or conveyed to the City at time of annexation and the amount of water rights now required sufficient to satisfy and serve the municipal water needs of the anticipated future uses as identified in Section 27.070 (A). All water rights previously reserved for use by such property or conveyed as part of annexation to the City shall be considered as a credit towards satisfying the requirements of this Section. The burden shall be on the applicant to establish the amount and extent of such previously reserved or conveyed water rights.