ORDINANCE NO. 2013-01

AN ORDINANCE OF THE CITY OF WENDOVER, UTAH ADOPTING AN ANNEXATION POLICY PLAN

RECITALS

A. The City of Wendover, Utah is authorized by law to consider and approve annexation of property adjacent to the geographical boundaries of the City.

B. The law of the State of Utah requires Cities to consider and adopt an Annexation Policy Plan in compliance with law.

C. On February 15, 2013, the Planning Commission of the City gave notice of the Annexation Policy Plan promulgated by the Planning Commission by sending notice of a public meeting to all affected entities.

D. On March 15, 2013, the Planning Commission held a public meeting, the purpose of which was to provide all affected entities an opportunity to examine and provide input on the propose Annexation Policy Plan.

E. On March 16, 2013 the City gave notice to all affected entities of a public hearing before the Planning Commission on the proposed Annexation Policy Plan.

F. On April 2, 2013 the Planning Commission held the public hearing. There were no comments at the public hearing and the Planning Commission determined to submit the Annexation Policy Plan to the City Council for its review.

G. On April 3, 2013 the City gave notice of a public hearing before the Wendover City Council to consider the Annexation Policy Plan.

H. The City Council held its public hearing on April 3, 2013, at which time there were no comments or input on the proposed Annexation Policy Plan.

I. The City has given all notices and has held all meetings and public hearings required by law, and now desires to approve and adopt the City's Annexation Policy Plan.

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ORDINANCE

THE CITY COUNCIL OF WENDOVER, UTAH ORDAINS THE FOLLOWING:

1. Approval. Attached to this Ordinance is a true and correct copy of the City's Annexation Policy Plan. Said Plan appears to meet the needs of the City, considers all matters pertinent to anticipated annexation of property adjacent to the City and has been subject to notice, public meetings and hearings and has been recommended by the City Planning Commission. The Annexation Policy Plan is formally approved and adopted by the City of Wendover, Utah.

2. Distribution to Affected Entities. The City Administrator and City Clerk are directed to distribute a copy of the Plan to the Tooele County Commission and to take all such other steps required by law relative to the final approval of the proposed plan.

3. Severability. The provisions of this Ordinance are severable. If any provision of this Ordinance or any provision or language of the proposed Annexation Policy Plan attached hereto are found to be unenforceable for any reason, the remainder of this Ordinance shall remain in full force and effect.

4. Effective Date. This Ordinance shall become effective immediately upon its approval by the Governing Body of the City.

DATED this 1st day of May, 2013.

THE CITY OF WENDOVER, UTAH

Mike Crawford

Michael R. Crawford, Mayor

Attest:

Mariah L. Murphy

Mariah L. Murphy, City Clerk-Recorder

Seal:

CITY OF WENDOVER, UTAH
ANNEXATION POLICY PLAN

CITY OF WENDOVER, UTAH
ANNEXATION POLICY PLAN

This document is written to provide the City of Wendover, Utah (the "City") with an outline for growth that will guide the development and expansion of City boundaries through annexation. The goal of the City is to ensure that growth through annexation is consistent with the General Plan of the City and state statutes. It is the intent of this Annexation Policy Plan to protect and enhance the interests of property owners within the boundaries of the City and in the unincorporated areas surrounding the city. It is further the intent of the City that the regulations contained herein will encourage sound planning practices and reduce problems that may be associated with annexations.

Statement of Purpose.

The laws of the State of Utah require communities to adopt an annexation policy plan. An important purpose of this legislation is to allow Cities to maintain control over the process of annexation.

The City desires to provide for orderly growth and development within the City and in areas adjacent to the City that may be annexed. The City's interests in providing for orderly growth and development include the need to ensure: orderly growth in terms of utilities and public services; to protect public health, safety and welfare and to ensure that annexations are approved consistent with the requirements of the City's General Plan, other City statutes, rules and regulations and the requirements of State law.

Map of Extension Area.

Attached hereto as Exhibits "A" and "B" are an Expansion Area Map. The areas described in the maps include real property bordering the City on the East, and a small parcel of property bordering the City on the North, presently owned by the City and used as the City Cemetery. These Maps describe and show the current geographical boundaries of the City and the expansion area within which the City will consider annexation. The City will consider annexations only within the areas described on the attached Expansion Area Maps. The City finds that the expansion area described in the attached map includes all areas containing urban development that lie within ½ mile of the City's boundaries.

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General Plan of Wendover City.

The City finds that projected population growth of the City (and of Tooele County) is considered in the City's General Plan, which will be modified from time to time consistent with the needs of the City. The City also finds that the need over the next 20 years for additional land suitable for residential, commercial, and industrial development is outlined in the General Plan. The General Plan will be reconsidered, from time to time, as the needs of the City change. Finally, the City finds that the City's need to include recreational areas within in the City is also addressed in the General Plan.[1]

General Requirements.[2]

Consistent with the law of the State of Utah, the following general requirements shall govern the annexation of land into the municipal boundaries of the City.

1. If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

a. along the boundaries of existing local districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;

b. to eliminate islands and peninsulas of territory that is not receiving municipal-type services;

c. to facilitate the consolidation of overlapping functions of local government;

d. to promote the efficient delivery of services; and

e. to encourage the equitable distribution of community resources and obligations.

2. Property to be annexed to the City shall be a logical extension of the City boundaries.

3. Annexation shall be consistent with the intent and purposes outlined in this Policy and in the General Plan. The City acknowledges that the General Plan contains a description of the character of the Wendover, Utah community.

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[1] Consistent with the requirement of U.C. A. § 10-2-401.5(4)(e), the City acknowledges that there are no agricultural, forest or wildlife areas within the City or within the expansion area. Those issues are, therefore, not addressed in this Annexation Policy Plan.

[2] This Annexation Policy Plan adopts by reference the standards required by U.C.A. 10-2-401, *et seq.*, as amended.

4. Annexations should include the greatest amount of real property that is feasible in light of the services to be provided by the City and the benefits to be received by the City. Further, piecemeal annexation of individual smaller parcels of real property will be discouraged if larger contiguous parcels are available for annexation within a reasonable time.

5. Islands of real property that would remain under the jurisdiction of Tooele County shall not be left or created by virtue of annexation. Further, peninsulas and irregular boundaries shall be avoided.

6. To the extent feasible, real property to be annexed to the City should receive public services provided by the City, including: water service; sanitary sewer service; street maintenance; planning, zoning and code enforcement; fire protection; and police protection.

7. Existing City systems may not be adequate to provide services in annexed areas. The City shall consider the impact of a proposed annexation upon the City's ability to provide its services to existing residents and businesses in the City. Where the development requires new construction to provide City services, the applicant/developer of annexed real property shall be required to pay for improvements related to the expansion of existing City systems including water lines, water storage facilities, sewer lines, and the like. All such system improvements shall be designed and built in a manner that is consistent with the safe, reliable and efficient operation of City systems. System improvements shall be financed as heretofore described, or otherwise in a manner authorized under the laws of the State of Utah.

8. Before considering requests for annexation, the City shall analyze the impacts of annexation of an area. This analysis should consider whether the proposed area will create negative impacts on the City and whether the City can economically provide services to the annexed area. The analysis shall include consideration of the tax consequences to current residents of the City and to those in the proposed annexation area. This analysis should also consider issues including, as appropriate, adequacy of schools and community facilities, traffic, fire and police protection, open space, recreation areas, conservation and protection of natural and historic resources, affordable housing, the balance of housing types and ownership, and the capacity to serve future needs of the proposed annexed area.

9. The City will consider the interests of all affected entities.

10. The City does not favor annexation of territory that: (a) should be located within another municipality; (b) is proposed solely for the purpose of acquiring municipal revenues (without consideration of services to be provided by the City); or (c) diminishes the capacity of another municipality to to annex the property.

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11. The City favors annexations that expand the tourist economy, provide residential properties (whether owner occupied or as rentals), and that provide or expand municipal or community facilities.

Comments by Affected Entities.

During the course of the adoption of this Annexation Policy Plan, the City gave all required notices, and held all public meetings and public hearings required by law. There was no participate at any public meeting or public hearing, and the City receive no written no comments from any affected entity.

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EXHIBIT "A"

EXPANSION AREA MAP
AREA EAST OF CITY BOUNDARIES

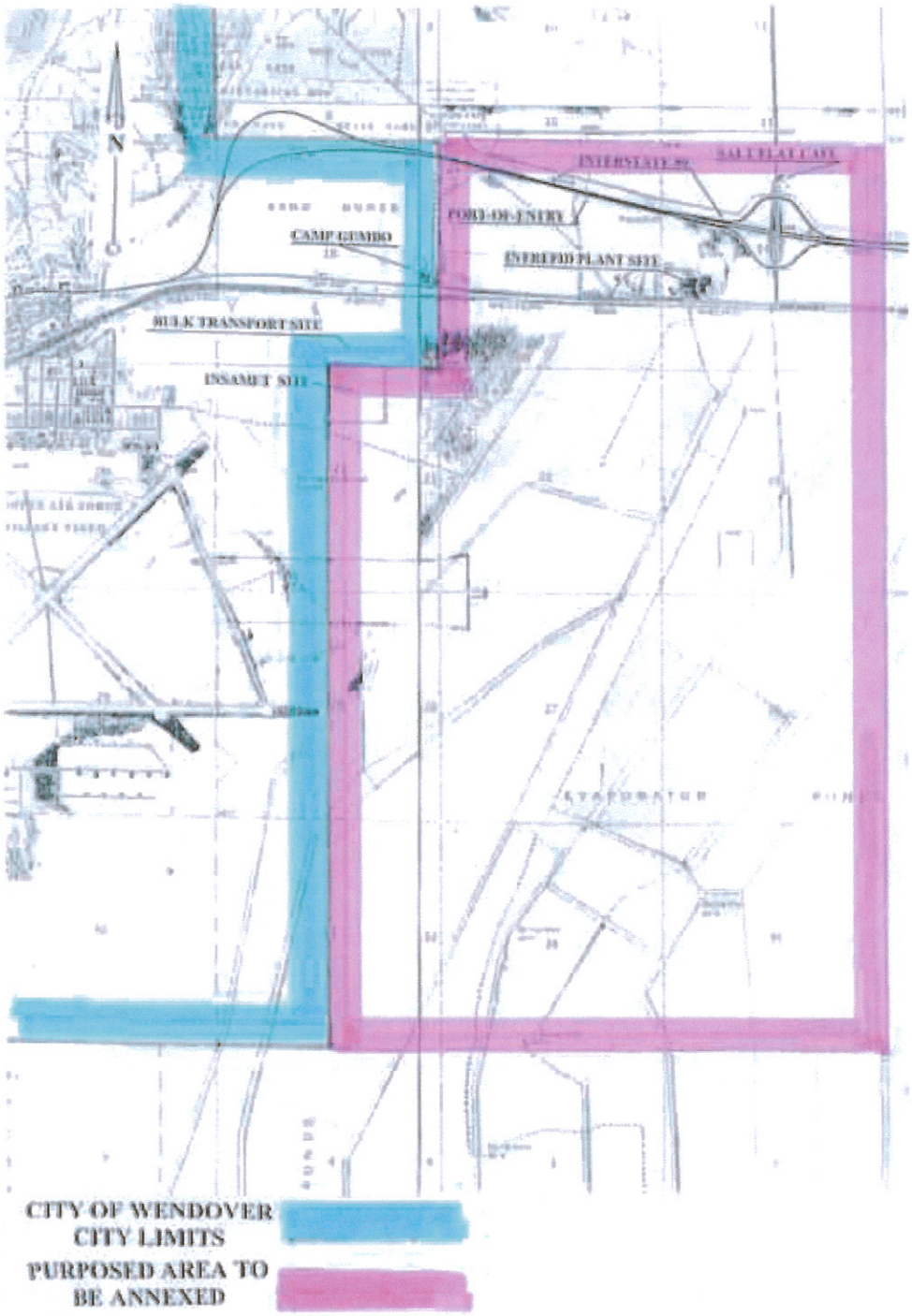
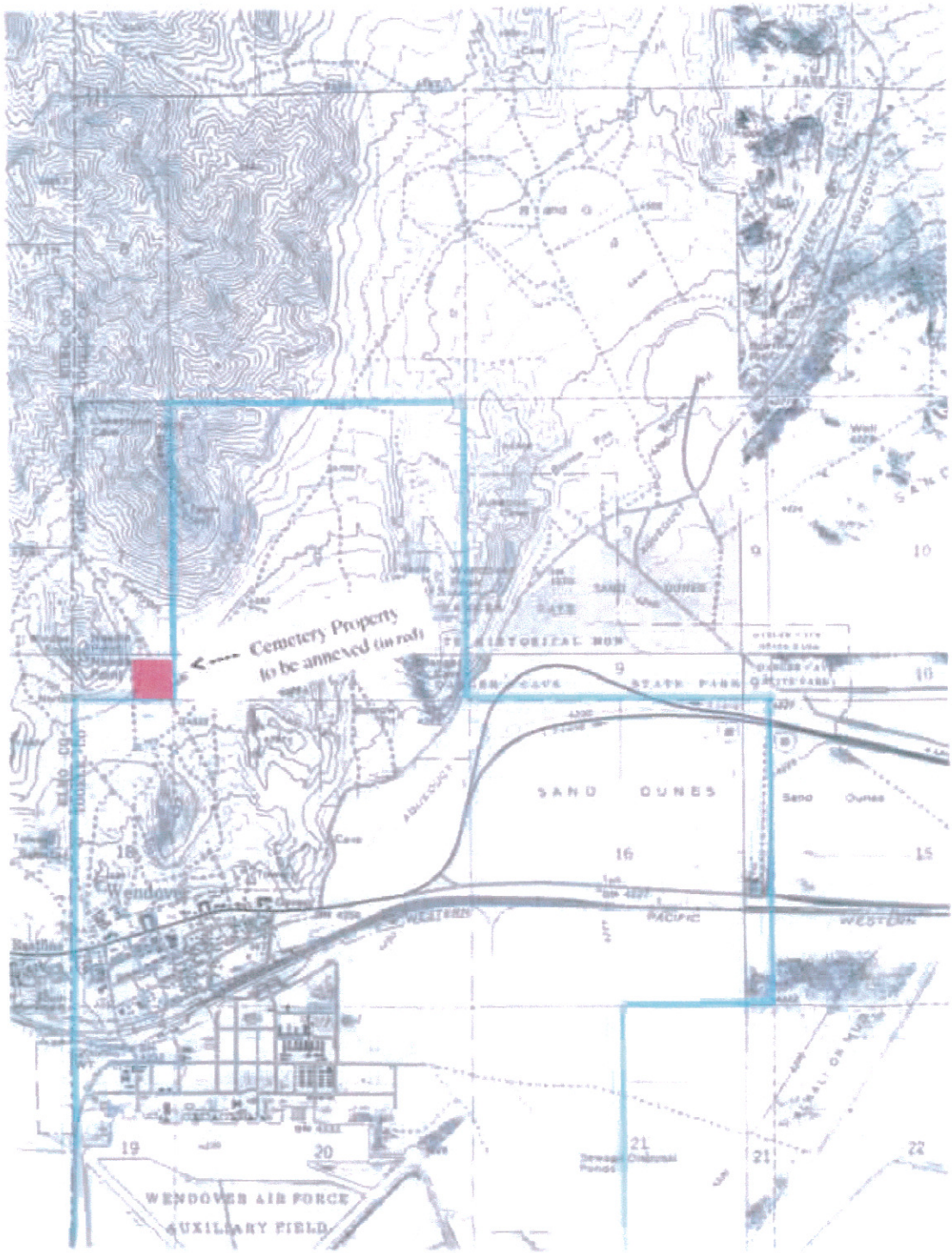

N
CAMP GUAMDO
BULK TRANSPORT SITE
INSAMET SITE
CITY OF WENDOVER
CITY LIMITS
PURPOSED AREA TO
BE ANNEXED

EXHIBIT "B"

EXPANSION AREA MAP
AREA NORTH OF CITY BOUNDARIES


Cemetery Property
to be annexed (in red)
SAND DUNES
Wendover
WENDOVER AIR FORCE
AUXILIARY FIELD