

Bicknell Town Annexation Ordinance No. 11-7-2024

An Ordinance Amending Ordinance 1995-B Declaring Policy of Bicknell Town for

Annexation of Real Property into Bicknell Town to replace Ordinance No. 7-18-19

WHEREAS, the State of Utah under Utah Code Section 10-2-401.5 has mandated that no municipality in the State may annex an unincorporated area unless the municipality has adopted an annexation policy plan and the area to be annexed has been identified in the annexation policy plan as a future expansion area and

WHEREAS, Bicknell Town finds that it may be necessary to annex unincorporated areas to achieve the long-term plans for the Town and to support the future growth of the Town; and

WHEREAS, Bicknell Town (the "Town") desires to adopt a Policy Declaration Ordinance; now, therefore,

THEREFORE, BE IT HEREBY ORDAINED BY THE TOWN OF BICKNELL THAT THIS ORDINANCE WILL BE KNOWN AS THE BICKNELL TOWN AMENDED ANNEXATION POLICY PLAN AND IS HEREBY ADOPTED AND INCORPORATED INTO THE TOWN'S MUNICIPAL CODE.

Section 1. STATEMENT OF PURPOSE. This Amended Annexation Policy Plan (the "Plan") is written to provide Bicknell Town (the "Town") with a growth plan that shall guide the development and expansion of municipal boundaries through annexation in a manner that is consistent with the Town's General Plan and the Laws of the State of Utah. The purpose underlying the Plan is to protect and enhance the private property rights of property owners within the municipal boundaries and in the unincorporated areas surrounding the Town.

Section 2. ADOPTION BY REFERENCE. Section 10-2-4, U.C.A. are adopted as an Ordinance of the Town by reference and the same as though fully outlined in this Ordinance and shall become an Ordinance of Bicknell Town. Section 10-2-4, U.C.A. is adopted by reference and is operative as an Ordinance of Bicknell Town so far as it affects future annexations to the Town except as it in any respect may provide to the contrary or to the extent it may be inconsistent with any of the express provisions of this Ordinance.

Section 3. EXPANSION AREA MAP. As part of the ongoing effort to plan and prepare for responsible growth within the municipal boundaries of Bicknell Town ("Town"), the Town has identified territory adjacent to its present boundaries that may be petitioned for annexation to the Town in the future. Areas petitioned for annexation must fall within the areas designated for future annexation in this Amended Annexation Policy Plan, as shown in the Future Expansion Area Map attached hereto, marked Exhibit A, and incorporated herein by this reference. All areas of possible future annexation shall be delineated on the Future Expansion Area Map ("Future Expansion Areas").

Section 4. ANNEXATION STANDARDS. The following shall be standards adopted under the authority of the aforesaid Sections of U.C.A., as amended:

- (a) Contiguous. All property to be annexed to the Town must be contiguous along at least one substantial border of the Town at the time of submission of an annexation petition.

- (b) Essential Easements. The annexation shall carry with it the requirement of dedication by the owner of the property to annex all easements essential for municipal purposes including those for utilities, water, sewer, roads, streets, sidewalks, and thoroughfares and all other municipal purposes whether or not enumerated hereinabove.
- (c) Zoning. All property annexed shall be zoned in the manner compatible with the zones to which it will become adjacent but the Bicknell Town Planning and Zoning Commission shall, with the ultimate approval of the Bicknell Town Council, have exclusive discretion in determining zoning; and any ruling by the Bicknell Town Planning and Zoning Commission shall be subject to final approval by the Bicknell Town Council and there shall be no further appeal, the decision by the Town Council upon that question being final.
- (d) Character of Property Annexed. No property to be annexed shall have a character or a feature of municipal use inconsistent with those characteristics existing within the boundaries of the Town and property to be annexed shall be of the "common character" of those features existing within the boundaries of the Town.
- (e) Justification for Annexation. In determining eligibility for annexation the Town Council shall take into consideration that there should exist, concerning the property to be annexed, a need for municipal services in developed and undeveloped areas consistent with those surrounding Bicknell Town, Wayne County, State of Utah; however, neither this sub-section or another provision of this Ordinance shall require the Town to provide municipal services unless (i) the Town Council determines that the Town is financially and logically capable of delivering said services; (ii) it is predetermined that the Town Council should impose a requirement or impact fee consistent with law- The fee will be updated yearly.
- (f) Plans for Extension of Municipal Services. When feasible, the Town favors annexation where services can be incorporated into the existing Town utilities. The Town also favors annexation of property that may be developed to allow utility and transportation systems to be incorporated into the plan for the entire area. The Town does not favor the annexation of areas for which it does not have the capability of providing basic municipal services such as transportation, culinary water, street lights, and stormwater removal. In areas where municipal services are not presently extended, service shall be extended on an as-needed basis at the developer's expense. All extensions of municipal services shall comply with all Town ordinances and policy criteria.

Section 5. WATER AND WATER QUALITY REQUIRED. In determining eligibility for annexation, the Town Council shall take into consideration whether the Town has sufficient culinary water for the new annexation. An annexation petition will be denied if it is deemed that the Town does not have sufficient culinary water to provide for the annexation.

Section 6. TIME FOR EXTENDING MUNICIPAL SERVICES. The annexation of property to the Town shall not require the Town to furnish any municipal services except in a manner and within a time that is and are both reasonable and within the economic capability of the Town as well as the feasibility of furnishing municipal services to annexation property. Decisions concerning reasonableness shall be within the sound discretion of the Town Council and shall be final and incontestable.

Section 7. GENERAL ANNEXATION REQUIREMENTS TO BE FURNISHED BY OWNERS OF PROPERTY TO BE ANNEXED. Whenever the boundaries of the Town are extended, all property within the area to be annexed shall:

- (a) Be subject to whatever charges by contribution of property for public purposes including but not limited to water and land necessary for public purposes including all public ways, all access easements, and other requirements of a municipal nature.
- (b) At the sole discretion of the Town Council the annexation shall carry with it a reasonable expectation of an increase in total Town property values and an appropriate increase in the Town property tax base.
- (c) Additional requirements, contributions, or qualifications for annexation may be imposed at any time either by ordinance or resolution.

Section 8. COMPLIANCE WITH LOCAL AND STATE LAW AND POLICY.

- (a) Compliance with State Annexation Law. Any Annexation petition must comply with the requirements of Section 10-2-403 Utah Code Annotated.
- (b) Maps. All maps required by Sections 10-2-4 shall be provided by owners of property to be annexed in a form required by law and in a manner capable of reproduction and presentation to the Wayne County Recorder for recording. The plat or map must be certified by a competent surveyor and shall bear the certificate of a registered engineer authorized as a land surveyor under the laws and regulations of the Utah State Department of Business Regulation.
- (c) Voting Approval. The annexation shall be valid only if approved by a majority of two-thirds (2/3rds) of the members of the Town Council. This does not mean nor shall be interpreted to mean 2/3rds of the members of the Town Council present at the meeting at which the application for annexation is considered but shall include and be interpreted to mean a constitutional majority; that is: 2/3rds of the members of the governing body then in office which, unless there is a vacancy, shall be in number not less than five (5).
- (d) Sensitive Lands. It is the policy of the Town to avoid the development of wetlands, hillsides, critical environmental habitat areas, expansive soils, or any other environmental conditions that threaten the integrity of the Town's infrastructure.

Section 9. PROCESSING AND REVIEW FEES. The Town Clerk, upon receipt of an annexation petition that complies with the requirements of Utah Code Section 10-2-4, shall impose fees, utilizing a predetermined fee schedule, to determine such fees as established by the Town Council to recover the costs of processing such Petition.

Section 10. SEVERABILITY. If any section, sentence, clause, phrase, word, or other provision of this Ordinance is, for any reason, held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this Ordinance, or the validity of this Ordinance as an entirety, it being the legislative intent that this

Ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 11. SAVING CLAUSE

- (1) If an item in this Ordinance or any addenda thereto is held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any Ordinance is restrained by such tribunal, the remainder of this Ordinance and addenda shall not be affected thereby, and the parties shall enter into immediate discussion to arrive at a mutually satisfactory replacement for such Ordinance.
- (2) If the Town Code is modified during the term of this Ordinance and any modifications thereof conflict with an express provision of this Ordinance, the express provision shall become null and void.

Section 12. EFFECTIVE DATE.

This Ordinance was approved and adopted by the Bicknell Town Council on this _____ day of December 2024.

Mayor, Noreen Johnson

Attest: Town Clerk, Kelsey Brinkerhoff

Town Council Members:

Kerry Steven	YES	NO
Weston Johnson	YES	NO
Gregg Anderson	YES	NO
Steve Albrecht	YES	NO