

TOWN OF CASTLE VALLEY

Ordinance No. 2005-1

ANNEXATION POLICY PLAN

A. General Annexation Criteria of the Town of Castle Valley.

In accordance with the provisions of 10-2-401.5, Utah Code Annotated, the Town of Castle Valley hereby adopts the following criteria for consideration of possible future annexations. This annexation policy declaration is intended to incorporate all of the criteria required and suggested by Sections 10-2-401.5 et seq., Utah Code Annotated.

1. As part of its ongoing effort to protect the Town's watershed, to plan and prepare for responsible growth, and to preserve the community's values, Castle Valley has identified land adjacent to its present Town boundaries that could at some time in the future be a part of the Town of Castle Valley if that land supports the Town's General Plan. Other municipalities do not border the area proposed for future annexation. Areas to be annexed must fall within the areas designated for future annexation in the Annexation Policy Plan of the Town of Castle Valley and shown on the attached Annexation Policy map. Even though property proposed for annexation is located within the annexation expansion area, there is no guarantee that the Town of Castle Valley will approve the annexation request.
2. The character of the community is a mix of residential and small-scale agriculture. Areas to be annexed should be compatible with this character, and the residents and property owners within such areas should understand the limited nature of municipal services available.
3. Areas to be annexed must be contiguous to the corporate limits of the Town of Castle Valley at the time of submission of an annexation request.
4. Areas to be annexed shall not be located within the corporate limits of another incorporated city or be part of a previously filed annexation petition that has not been either denied, accepted, or approved.
5. Castle Valley is concerned about the interests of all affected entities and will consider written comments from affected entities in finalizing this document. When feasible, the Town favors:
 - a. eliminating and/or not creating islands and peninsulas of unincorporated land;
 - b. consolidating overlapping functions of government;
 - c. promoting efficient delivery of services;
 - d. encouraging the equitable distribution of community resources and obligations; and
 - e. giving consideration to the tax consequences to property owners within the area to be annexed, as well as the property owners within the Town in order to prevent double taxation and to ascertain that the annexation will not be a tax liability to the taxpayers within the municipality.
6. The Town of Castle Valley has received and noted responses from Daystar Adventist Academy and Red Cliffs Lodge expressing their positions and desires against seeking any future annexation by the Town.

7 It is not Castle Valley's intent to annex land for the sole purpose of acquiring revenue.

B. Municipal Services in Unsubdivided Lands

In areas where the land to be annexed is unsubdivided, the owner is required to follow the Master Development Plan Ordinance and Subdivision Ordinance of the town of Castle Valley before any services will be granted.

The newly annexed unsubdivided areas shall finance the extension of needed municipal services, such as new utilities, streets, and other capital improvements in accordance with the Master Development Plan and Subdivision ordinances.

Upon annexation, the newly annexed areas shall receive the following services:

- a) Planning and Zoning.
- b) Snow removal and Street maintenance on deeded dedicated streets.

Newly annexed areas shall not receive any water rights from the Town.

It is not anticipated that the annexation will cause any adverse consequences to the residents in the Town or in the area annexed, except there may be a slight reduction in general services to the Town residents in the present Town limits as general services are expanded into the newly annexed land.

It is anticipated that the residents/property owners in the land to be annexed will experience an increase in their property tax because of the difference in the certified tax rates in Grand County and the Town of Castle Valley. It is further anticipated that as the Town receives newly annexed land property taxes, the Town may increase the total level of services within the total community, without having to place any additional tax burden on property owners currently within the Town boundary.

As areas grow and become more populated, the demand and need for services increase. Once this Annexation Policy Plan is adopted and areas begin to develop, continual planning by Castle Valley will allow development to occur in an economical manner, since homes, buildings, streets, and other amenities will be developed in accord with Castle Valley ordinances, and the General Plan

C. Submission and review of an annexation petition

Annexation petitions shall comply with Utah Code Section 10-2-403.

1. An annexation petition accompanied by an annexation plat must be submitted to the Town Clerk by the Applicant. Said petition shall:
 - (a) be signed by private property owners of record which cover a majority of the area to be annexed ("Applicant"). Said Applicant shall also represent at least one-third (1/3) of the value of all real property within the area proposed for annexation.
 - (b) represent an area contiguous to the existing Town limits of Castle Valley and shown to be within the areas designated for annexation in the Annexation Policy Plan of the Town.
 - (c) include an annexation plat prepared by a surveyor licensed in the State of Utah.
 - (d) designate up to five (5) of the signers of the petition as sponsors, one of whom shall be designated

as the contact sponsor ("Applicant"). Each sponsor's mailing address shall be included.

2. The Applicant is required to pay all costs incurred by the Town in reviewing and processing the Annexation Petition. After initial review of the Application, the Town will, in writing, notify the Applicant of the estimated amount of funds the Applicant must deposit with the Town to cover such costs. Such funds will be used by the Town only to pay the cost of reviewing and processing the Application, and the Town shall provide the Applicant with an accounting to that effect.
3. An Application is not complete nor shall be deemed filed with the Town until all deposits referenced above have been received by the Town and the Applicant is sent written notice from the Town that the Application is complete and ready for review.
4. The Planning and Zoning Commission shall review the proposed annexation petition and any recommendations from the Town's consultants.
5. After such review, and prior to any action by the Town Council, the Planning and Zoning Commission shall hold a public hearing and thereafter forward the proposed Annexation Petition and its written recommendations, containing its reasons therefore, to the Town Council and the Applicant.
6. When the recommendations of the Planning and Zoning Commission have been submitted to the Town Council, the Annexation Petition shall be placed on the town council agenda for review and action.
7. Thereafter, the Town Council may, at one or more regular or special public meetings, review the Annexation Petition and shall hold a public hearing.
8. In acting on the Annexation Petition, the town Council may take any of the following actions:
 - a. Approve the Annexation Petition.
 - b. Approve the Annexation Petition with changes, modifications and additions. The Applicant shall then submit the modified Annexation Agreement to the Town Council for review.
 - c. Deny the Annexation Petition.
9. If the Annexation Petition is not approved, the Town Council's decision shall specify the defect found in the Petition, shall describe the requirements that have not been met, and shall cite in each case the provisions of the Town ordinances and requirements and/or county, state or federal laws or regulations relied upon.
10. The decision of the Town Council shall be in writing and shall be communicated to the Applicant by regular mail posted through the U.S. Postal Service addressed to the Applicant's address for the receipt of notices set forth in the Application. Such notice shall be deemed received by the Applicant five (5) days after being posted.
11. Copies of the Annexation Petition as finally approved, with the appropriate endorsement of the Town Council, shall be distributed as follows:
 - a. One (1) copy to the Applicant.
 - b. One (1) copy to be recorded by the Town Clerk with the County Recorder.
 - c. One (1) copy to the town Planning and Zoning Commission.
 - d. One (1) copy to be retained in the Town files.

D. Effective Date

This Ordinance shall take effect upon its first posting, and supercedes Castle Valley Ordinance 86-1. The attached annexation Policy Map is hereby adopted and incorporated int this Ordinance.

Dated this _____ day of _____, 2005.

TOWN OF CASTLE VALLEY

Bruce Keeler, Mayor

ATTEST:

Recorder/Clerk