

# ORDINANCE NO. 13-97

## ROLL CALL

VOTING	YES	NO
MAYOR MARIE W. HUFF <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
MATTHEW D. BARBER <i>Councilmember</i>	X	
THORA L. SHAW <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	
REX WOODHOUSE <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Huff

I SECOND the foregoing motion: Councilmember Shaw

## ORDINANCE 13-97

### AN ORDINANCE AMENDING THE ANNEXATION REQUIREMENTS AS SET FORTH IN THE COMPREHENSIVE ZONING ORDINANCE

WHEREAS, Spanish Fork City has a Comprehensive Zoning Ordinance which contains a section on annexation; and

WHEREAS, House Bill 363 of the 1997 legislature significantly amended the requirements for annexations; and

WHEREAS, in order to comply with state law, an amendment to Spanish Fork City annexation section within the Comprehensive Zoning Ordinance is necessary; and

WHEREAS, an ordinance detailing the annexation process is necessary to give guidance to the City Council and various boards and committees in order to make informed recommendations and decisions concerning proposed annexations;

NOW THEREFORE, be it ordained and enacted as follows:

## **SECTION I**

**Section 17.12.040. Annexations.** is hereby amended to read as follows:

### **Section 17.12.040. Annexations.**

#### **A. Application:**

The party seeking annexation to the City of Spanish Fork shall submit an annexation petition and a plat describing the property to the City Records office, meeting the criteria established by state law. The request will be placed on the City Council agenda for rejection or acceptance for further review pursuant to the provisions of Utah Code Ann. §10-2-404. If accepted for further review, the recorder shall publish the notices, and provide the written notices as required by state law and follow the requirements of state law. During the publication period, the petition will be forwarded to the City Planner for presentation to the Development and Review Committee and Planning Commission, for their recommendations.

The City may also initiate an annexation as outlined in Utah Code Ann. §10-2-418 where islands or peninsulas exist within in its boundaries.

#### **B. Development and Review Committee:**

The Development and Review Committee shall address the following items in its review of the annexation petition:

1. Whether the proposed property is within the growth management boundary of the general plan;
2. Present and proposed land use and zoning;
3. Present and potential demand for various municipal services;
4. Distances from existing utility lines, public schools, parks, and shopping areas;
5. Specific time tables for extension of services to the area and how these services would be financed;
6. Potential impact on existing and proposed streets;
7. The effect that the annexation will have upon City boundaries and whether the annexation will create potential for islands, or difficult service areas;
8. An estimate of potential revenue verses potential service costs.

**C. Planning Commission Review:**

The Planning Commission shall consider the Development and Review recommendation, together with testimony from the petitioner and other interested parties, and make a recommendation on the annexation and zoning districts to the City Council.

**D. City Council Review:**

If no protest is filed, a public hearing shall be scheduled before the City Council to act upon the petition. If a protest is filed, the Council shall schedule a public hearing to act upon the petition after the boundary commission has rendered its decision. The petitioners shall be responsible for the costs of the feasibility study, which payment shall be made in advance of the study. The Council may schedule the matter at any time to deny the petition.

**E. Granting of Petition:**

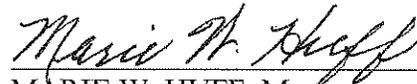
If an annexation petition is granted, a resolution accepting the annexation and ordinance designating the zoning shall be prepared for the territory shown on the plat map. A certified copy of the annexation resolution and the plat shall be filed in the office of the County Recorder.

**SECTION II**

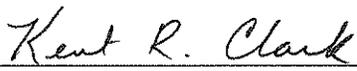
In order to protect the health, safety, and welfare of the residents of the City, this Ordinance shall become effective immediately upon publication.

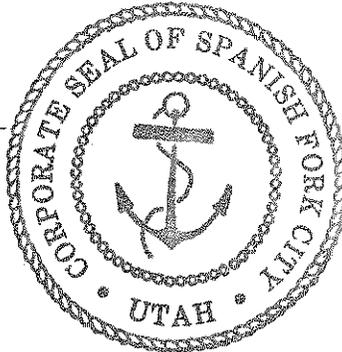
PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 2nd day of September, 1997.

DATED this 2nd day of September, 1997.

  
\_\_\_\_\_  
MARIE W. HUFF, Mayor

ATTEST:

  
\_\_\_\_\_  
KENT R. CLARK, City Recorder





# Proof of Publication

*J. Lane Henderson* being first duly sworn according to law, disposes and says that he is the *Publisher* of *THE SPANISH FORK PRESS*, a weekly newspaper, printed and published at Spanish Fork, Utah County, Utah, and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper.

## ORDINANCE 13-97

### AN ORDINANCE AMENDING THE ANNEXATION REQUIREMENTS AS SET FORTH IN THE COMPREHENSIVE ZONING ORDINANCE

A Summary of Ordinance 13-97 making amendments to the annexation requirements follows. A full copy of the ordinance is available at the City Office, 40 South Main Street, Spanish Fork, Utah.

17-12-040

A. An Application and Filing Fee is required.

B. The Development Review Committee will review the petition to determine if it meets the basic requirements for annexation.

C. The Planning Commission will make a recommendation to the City Council.

D. The City Council will act upon the recommendation either before or after the Utah County Boundary Commission has acted on the petition, depending on whether protest has been filed.

E. If granted, a resolution and plat will be prepared for recording.

PASSED AND  
ORDERED PUBLISHED BY

THE SPANISH FORK CITY  
COUNCIL OF SPANISH  
FORK, UTAH, this 2nd day of  
September, 1997.

Published in the Spanish Fork  
Press September 11, 1997.

for One consecutive weeks,  
the first publication on the 11th day  
of September 1997  
and the last on the 11th day of  
September 1997

*Jane Henderson*

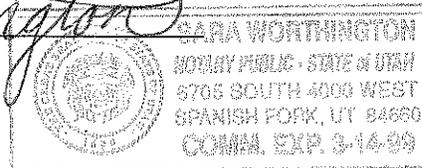
Subscribed and sworn to before me this 18th day of September 1997

*Sara Worthington*  
Notary Public

Residing at Spanish Fork, Utah

My Commission expires

3-14-99



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J. Lane Henderson being first duly sworn according to law, disposes and says that he is the *Publisher* of *THE SPANISH FORK PRESS*, a weekly newspaper, printed and published at Spanish Fork, Utah County, Utah, and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper.

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