This guide has been prepared to outline the procedures and requirements of annexing unincorporated territory into Provo City. Annexations are regulated by Title 10, Utah Code, and Chapter 15.15, Provo City Code.

**Basic criteria for annexing unincorporated property into Provo City:**

» The property must be contiguous to Provo City.

» Annexing the property will not result in the creation of an unincorporated island or peninsula.

» The property must be within a Provo City annexation declaration area (see appendix A).

» If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:
  » along the boundaries of existing special 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.
  » to eliminate islands and peninsulas of territory that are not receiving municipal-type services.
  » to facilitate the consolidation of overlapping functions of local government.
  » to promote the efficient delivery of services.
  » to encourage the equitable distribution of community resources and obligations.

» A project plan approval application may be required and, if so, will need to be submitted concurrently with an annexation petition. To facilitate approval of the project plan, a rezone application may also be necessary (Project Plan Approval and Zoning Map Amendment checklists are available from the Community Development Department).

» Provo City Code 15.15.050 states: It shall be the policy of the City to annex areas meeting all of the following criteria, with or without receipt of a petition from the property owners:
  1. The annexation is of an island within or a peninsula contiguous to the City;
  2. The majority of the area consists of residential or commercial development;
  3. The area proposed for annexation requires the delivery of municipal-type services, and;
  4. The municipality has provided most or all of the municipal-type services to the area for more than one year. Such annexations shall be processed as provided under Section 10-2-418, Utah Code, as amended.

» General Plan policies in reference to annexation cited within Chapter 6—Land Use, must be taken into consideration (see appendix B).

» A simplified flow chart of the process and steps is shown in appendix C.

**Step 1—Annexation Petition**

» The applicant makes an application with the Provo City Community Development Department for annexation that includes:
An Annexation Petition (see form ‘A’) containing:

- The signatures of the owners of private real property that:
  - Is located within the area proposed for annexation,
  - Covers a majority of private land area within the proposed annexation,
  - Is equal in value to at least \( \frac{1}{3} \) of the value of all private real property within the proposed annexation. *Exception: petitions to annex areas within an agricultural protection area created under Chapter 17.41, Utah Code, must provide signatures that cover 100% of the private land area. *Exception: if all the real property within the area proposed for annexation is owned by a public entity other than the federal government.

- Electronic plans in PDF format (disk, USB, email) containing an accurate and recordable annexation plat, prepared by a licensed surveyor, of the area proposed for annexation. A direct digital output from the source file to Adobe Acrobat (.pdf format) is preferred, however, scans (240 dpi resolution) saved in .pdf format are permitted.

- A list designating up to five signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address of each sponsor (see form ‘B’).

- A completed Application for Approval form completed online.

- A $1050 non-refundable application fee.

- A $60 non-refundable noticing fee.

- A project plan approval application, if required, must be submitted concurrently with an annexation petition.

- After submitting the application to the Development Services Department, the applicant delivers or mails a copy of the petition and map to the Utah County Clerk.

**Step 2—Acceptance or Rejection of an Annexation Petition**

The petition shall be considered accepted for further review by the Municipal Council if they fail to deny it for further review within fourteen days of receipt, under the guidelines of 10-2-405 Utah Code.

- Within thirty days of Municipal Council acceptance of the petition for further review, the City Recorder will deliver or mail to the petition applicant a written determination stating whether or not the petition satisfies Utah Code.

- As needed, petitions rejected by the City Recorder may be amended to correct deficiencies. For example, if a petition does not have the required number of signatures, the applicant may obtain additional signatures and resubmit the petition to the City Recorder.

**Step 3—Planning Commission Recommendation**

- The applicant must be in attendance at the Planning Commission meeting. The applicant will be given an opportunity to address the Planning Commission and may wish to prepare a concise statement providing support for a positive recommendation of the petition from the Planning Commission to the Municipal Council.

**Step 4—Approval or Denial of an Annexation Petition**

- The applicant must be in attendance at the Municipal Council meeting. The applicant may be given an opportunity to address the Municipal Council and may wish to prepare a concise statement providing support for approval of the petition.
If you have questions about the annexation process, please call the Planning Division at the number listed below.

**CONTACT INFORMATION**

<table>
<thead>
<tr>
<th>Provo City Divisions</th>
<th>Phone</th>
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</thead>
<tbody>
<tr>
<td>Planning Division:</td>
<td>801 852 6429</td>
</tr>
<tr>
<td>Engineering:</td>
<td>801 852 6740</td>
</tr>
<tr>
<td>Municipal Council Office:</td>
<td>801 852 6120</td>
</tr>
<tr>
<td>City Recorder:</td>
<td>801 852 6524</td>
</tr>
<tr>
<td>Utah County Clerk:</td>
<td>801 851 8109</td>
</tr>
</tbody>
</table>
The undersigned, being a majority of the owners of real property and the owners of not less than \( \frac{1}{3} \) in value of real property as shown by the last assessment rolls situated in the territory lying contiguous to the present corporate limits of Provo City, Utah, as described on the plat attached hereto and made part thereof as exhibit ‘A’, are desirous of having said property annexed to Provo City, Utah, and hereby petition the Municipal Council of Provo City, Utah, to annex the said territory to Provo City, Utah, in accordance with Chapter 10-2, Utah Code, as amended.

Signature Printed Name Property Address

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This petition form may be duplicated as necessary to accommodate additional signatures.

Return petition forms to the Provo City Recorder and provide copies to the Provo City Community Development Department at the time an annexation application is made along with a certified plat of the property that has been signed by a licensed surveyor or engineer.

Utah Code requires that up to five of the signers of the petition are designated as sponsors, one of whom shall be designated as the contact sponsor. Please indicate the mailing address of each sponsor.

Contact Sponsor
Sponsor
Sponsor
Sponsor
Sponsor
Provo City General Plan
Annexation Policy Map

ANNEXATION POLICY PLAN

*The numbers correspond to areas referred to in the text of the General Plan.*
Chapter 6, Land Use

Annexation Policy Plan

Provo City’s Annexation Policy Plan was brought to the Planning Commission for a public hearing in 2002 and approved by Resolution 2003-15 of the Municipal Council on February 4, 2003. This plan has received subsequent review through public hearings of the Planning Commission and Municipal Council in association with the Comprehensive Update to the 1997 General Plan, initiated in 2002 and approved in 2004. As the changes effected through recent annexations reflect policies of the Municipal Council and elements of agreements with Utah County, Springville City, Orem City, and the U.S. Forest Service, the plan incorporated herein as part of the Provo City General Plan retains the 2003 Annexation Policy Plan, but notes which annexations have been completed at the time of adoption of this update to the General Plan in Fall 2009.

Need for an Annexation Policy Plan

As pressures for development and expansion continue within the city and its environs, it is necessary that the City maintain an annexation policy plan to assure orderly growth and development of the community. An annexation policy will also protect the general interests of the taxing public, as well as those individual property owners who wish to annex to the City to enjoy the benefits which accrue from being within the City limits. In order to assure this mutual protection, there must be specific policy guidelines or criteria by which the annexation requirements of the City, as well as each individual annexation, may be judged and evaluated. The following constitutes the guidelines established for the Provo City annexation policy plan.

Annexation Policy Plan Guidelines

Each annexation under consideration should be expanded to include the greatest amount of property possible, within the limits shown on the attached map, to assure that:

1. Public reaction in and around the annexation area is appropriately balanced with the needs of the community;
2. Duplication of services is eliminated;
3. City standards related to improvements are maintained consistently on a contiguous block face and on adjoining properties to the greatest extent possible;
4. Piecemeal annexation of individual small properties does not occur which would diminish the potential for later annexation of small pockets or “islands” of opposing unincorporated area;
5. Expansion of city boundaries will include some unimproved land which will provide an inventory for future development;
6. The circulation system of streets and highways is enhanced by placing a system in one jurisdiction to eliminate maintenance confusion;
7. There is an increased ability to plan for orderly community and area-wide development through orderly and logical boundaries for the incorporated areas of Provo City, the unincorporated areas of Utah County, and the boundaries of adjacent communities;
8. The ability exists to better control fire, police, and other safety-oriented problems through more logical development and more reasonable political boundaries;
9. There is greater efficiency and economy in supplying utilities and other public services in areas of more orderly and systematic city boundaries;
10. The City’s right of self-determination and local home rule is enhanced through the realization of ultimate city boundaries which are more desirable and more orderly;
11. The City is able to exercise greater regulation over improper and undesirable land uses and development in the fringe areas, thereby protecting the city taxpayers against future costs which may occur to correct such uses and development.
The Character of the Community
The character of Provo City consists of agricultural, residential, commercial, public/institutional, and industrial land uses. Annexation proposals should be evaluated based upon the compatibility of the proposed land use with the character of the overall surrounding neighborhood and city.

The Need for Municipal Services in Developed and Undeveloped Unincorporated Areas
Provo City utilities and services shall not extend into unincorporated properties on the fringes of the city nor to “islands” of unincorporated properties, except to other units of government. In order to provide for the orderly growth and development of Provo City and to avoid undue costs to taxpayers, Provo City utility and service hook-ons shall not be provided to unincorporated areas, but shall only be made available to those areas which are annexed to Provo City. The only exception shall be those extensions which are made to other units of government under the Interlocal Government Cooperation Act, as deemed appropriate by the Municipal Council.

The Municipality’s Plans for Extension of Municipal Services
Utilities, such as water, sewer, and electrical should be extended to annexed areas as soon as practicable after annexation. Residents of urbanizing areas require increased municipal services, which the City should provide immediately upon annexation. These include garbage collection, snow removal, paramedic services, and police and fire protection, which are financed by general fund revenues and service fees. The requirements for extension of such utilities are set forth on an area by area basis, which areas are described in “Areas Proposed for Future Annexation,” below.
The City feels the responsibility of developing the backbone of the various utility distribution and collection systems in newly developing areas. This work includes the development of new water wells, reservoirs, and utility trunk lines. However, specific commitments and the construction time frame for such utilities will be dependent upon development demand and sufficient capital budgets. Such commitments and time frames will be determined at the time annexation occurs and will be a part of the impact report required by the Provo City Code.

How the Services will be Funded
Provo City’s policy is to participate with developers in the cost of improvements for which benefits do not accrue directly to developers. For instance, when utility mainlines are required to be a certain size to serve an entire area, but that size is larger than that required to service a given subdivision, the City will fund the difference in the cost of providing the larger size. In this way, costs of improvements benefitting the City, at large, are borne by the taxpayer; and costs associated with the particular development are borne by the developer, who passes these costs onto individual property buyers. Adopted as part of the subdivision ordinance is the breakdown of costs in the respective portions to be paid for by the developer and the City. The City’s share is financed by the general fund, gas tax road funds, and connection and user fees.

An Estimate of the Tax Consequences to Residents Both Currently within the Municipal Boundaries and in the Expansion Area
Tax consequences and interests of affected entities, relative to a proposed annexation, should be considered. Present mil levies in Provo City are comparable to adjacent County areas, including Utah County residents in the Nebo and Alpine School Districts. Utility costs, particularly for electricity, are less expensive in the City than in the County. Thus, many times it is economically beneficial for property owners to annex to Provo City. Additionally, such property owners receive many benefits in return for higher tax assessments. These include snow removal, increased police and fire protection, and other City services.

The Interests of All Affected Entities
Areas proposed for annexation are logical expansions of Provo City’s corporate limits and will not unduly affect the tax revenues of adjacent entities. Utah County has the policy of not providing urban services to rural areas, and minimal services are now provided by the county to such areas. It is felt that Provo City can most efficiently deliver the urban services which will be required as urbanization occurs. The City of Springville and the City of Orem may also be impacted by land annexed into and developed in Provo City. Noticing and coordination with these jurisdictions, along with noticing and coordination with special improvement or service districts and school districts, should also occur.
Areas Proposed for Annexation Policy Plan Map # 6.1

Area One: Area one is bounded by existing Provo City limits on the north and west. No serious water or sewer constraints exist in this area. There are gravity flow sewers in the immediate vicinity, and the culinary water supply to the area was extended with the East Mountain development. The General Plan calls for Residential (R) and Commercial (C) development in this area. However, a portion of this area is currently being used for a sand and gravel mining operation with permits issued in the county. Any significant development here would first require the reclamation of the sand and gravel operation. There is also an auto salvage operation just south of the East Mountain development and Utah County’s Public Works buildings. Since South State Street is one of the major entries to the city, having this property in the city gives Provo some control over how it develops, and the image created as one enters Provo. South State Street is one of the “design review” corridors proposed along major entrances to the city.

Annexation Ordinance 2006-1, annexing approximately 1.25 acres of real property, located generally at 2400 S. Alaska Avenue, Provost South Neighborhood, was approved by the Municipal Council on May 6, 2009. 08-0001(A)

Area Two: Area two is bounded by I-15 on the west, existing Provo City limits on the north and east, and the Provo/Springville City Boundary Agreement Line on the south. The General Plan calls for a combination of light and heavy industry (I) in this area, between the railroad tracks and between Kuhni Road and I-15. Provo City has electrical lines in this area, and has extended sewer lines as far south as the Kuhni rendering plant. Water and sewer line extensions would be required to continue annexation south of the rendering plant and east of the railroad tracks.

Area Three: Repealed by Resolution 2013-70

Area Four: Area four is bounded by existing Provo City limits on the south and east, Utah Lake on the west, and 2000 North on the north. The development of this area will require additional water distribution system capacity as well as the construction of waste water lift stations. Present land uses in this area are agricultural and residential types. A large conservation easement, wetlands, and other environmental considerations in this area will need substantial consideration in the annexation and development process.

Annexation Ordinance 2004-1, annexing approximately 139 acres of real property, located generally between 1552 North, 2000 North, Geneva Road and I-15, Lakeview Neighborhood, was approved by the Municipal Council February 3, 2004. 03-0002(A). This represents the northeast portion of the Area Four proposed annexation.

Annexation Ordinance 2009-2, annexing approximately 346.72 acres of real property, located generally between 1300 North and 2000 North Geneva Road to the Utah Lake 100 Year Flood Plain Meander Line, Lakeview North Neighborhood, was approved by the Municipal Council on October 8, 2009. 08-0001(A)

Area Five: Area five is bounded on the west and south by existing Provo City limits, and on the east by the Uinta National Forest boundary. Existing water pressure zones can serve this area to an elevation of approximately 5,200 feet. Area 5 can be served by gravity waste water systems, but main lines would have to be extended into the area from existing lines several thousand feet away. Development in most of this area (over 10% slope) would be controlled by the Hillside Development Standards of the Subdivision Ordinance. The General Plan calls for Residential (R) development in this area.

A petition to annex 4.6 acres, known as the Loveless Annexation, within Area Five, generally located at 5001 N. Canyon Road, between Canyon Road and University Avenue, application 04-0002 A, was pending action by the Municipal Council at the time of adoption of the Comprehensive Update to the General Plan in 2004. [Approved 11/9/2004, Annexation Ordinance 2004-2]

An annexation of 1.18 acres, known as the Gillespie Annexation, within Area Five, generally located at 5290 N. Canyon Road, application 05-0001 A, was approved by action of the Municipal Council on 10/18/2005, Annexation Ordinance 2005-1, in response to a petition to annex 0.93 acre.
An annexation of 9.04 acres, known as the Budge Annexation, within Area Five, generally located at 5240 N. Canyon Road, application 09-0001A, was approved by action of the Municipal Council on August 8, 2009, Annexation Ordinance 2009-01.

**Area Six:** Area six is bounded on the west, south, and north by Provo City limits and on the east by Utah County. The area encompasses the Forest Service land east and north of Sherwood Hills and north of Little Rock Canyon. Even though this area contains steep slopes that would limit development, it would be annexed into Provo to preserve the hillsides from future mining uses.

**Area Seven:** Area seven is located between 4400 North and 4600 North from University Avenue to Canyon Road. This property is an island of Utah County which is completely surrounded by Provo City limits. Most of these properties receive Provo City municipal services.

A City-initiated petition in 2003 to annex 26 acres within Area Seven for the purpose of street improvements did not meet the requirements of annexation due to protest by more than 50 percent of the property owners living in the area. The petition to annex was withdrawn. 03-0001(A). Based on the intended use stated by the property owners, the land has been designated on the General Plan Map as A - Agricultural rather than its previous designation of R - Residential.

- END OF EXCERPT