

**CITY OF WASHINGTON TERRACE  
ORDINANCE NO. 19-09**

**ANNEXATION AND GENERAL PLAN**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,  
ADOPTING TITLE 18 TO BE ENTITLED “COMPREHENSIVE  
PLANNING” TO INCLUDE THE GENERAL PLAN AND ANNEXATION;  
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Washington Terrace (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

**WHEREAS**, the City desires to adopt an updated General Plan;

**WHEREAS**, after publication of the required notice, the Planning Commission held its a Public Hearing on October 24, 2019, and subsequently gave its recommendation to \_\_\_\_\_ this Ordinance;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on \_\_\_\_\_, 2019, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of Washington Terrace as follows:

**Section 1:**     **Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2:**     **Adoption.** Chapter 18.01 and Chapter 18.03 of the *Washington Terrace Municipal Code* is hereby adopted to read as follows:

**Chapter 18.01  
General Plan**

**Sections:**

- 18.01.010      General Plan.**
- 18.01.020      Plan Amendment Procedure.**
- 18.01.030      Effect of the Plan.**
- 18.01.040      General Plan Elements.**
- 18.01.050      Capital Plans.**

**18.01.010      General Plan.**

1. Plan Preparation. The Planning Commission shall give notice and recommends to the City Council any proposal related to the General Plan in accordance with Utah Code Annotated §10-9a-403, as amended. The recommendation may include areas outside the boundaries of the City. The City may retain the services of a independent consultant to assist in the preparation and the implementation of the General Plan.
2. Adoption. In accordance with Utah Code Annotated §10-9a-401, the City hereby adopts the General Plan prepared by City Staff dated \_\_\_\_\_, 2019, as a comprehensive, long-term planning document for the City together with all policies, goals, maps, elements, and other information contained therein which are incorporated herein by this reference. The City Council adopted the General Plan based upon the comprehensiveness, extent, and format recommended by the Planning Commission.
3. Period. This General Plan covers an approximate period of twenty (20) years from this adoption and may only be amended at the sole discretion of the City Council.

**18.01.020      Plan Amendment.**

1. Amendment. An amendment to the General Plan initiated by an applicant shall follow the procedures outlined in state law and this Section. This Section does not apply to an amendment initiated by the City, except to the extent required by state law.
2. Procedure. The Planning Commission shall process a request for a party to amend the General Plan in accordance with this Chapter by either:
  - a. Making a vote to deny the request which ends the process; or
  - b. Consider the request by initiating the procedures required by Utah Code Annotated §10-9a-403, as amended.
3. Fee. Any amendment of the General Plan shall be accompanied by a fee or reimbursement to the City in the amount necessary to recoup all costs for the same.
4. Denial Appeal. If the Planning Commission decides not to initiate the amendment procedure required by state law the request is denied.
5. Request. In consideration of a request to amend the General Plan, the Planning Commission shall consider the following criteria:
  - a. Whether there exists a compelling interest that would justify deviation from the existing general plan in favor of an amendment.
  - b. Whether the need for such an amendment was contemplated, considered, or foreseeable at the time the general plan use map was adopted.
  - c. Whether new circumstances exist or are anticipated that warrant such an amendment to the existing plan.
  - d. That the proposed plan amendment does not detrimentally affect surrounding property, and is in harmony with the overall General Plan.

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- e. That the proposed amendment will benefit the health, safety, and general welfare of the community.
  - f. The fiscal impact to the City and all other affected entities.
  - g. The concept plan of the requested amendment that includes:
    - i. The area of the request;
    - ii. The types of uses proposed; and
    - iii. The general layout of the area proposed as part of a development project.
6. Amendment. If the Planning Commission votes to consider the amendment then it may consider the following:
- a. Depending on the complexity, size, impact, or extent of a General Plan amendment, require the requesting party to submit an independent economic and land use feasibility study of the area considered for amendment.
  - b. Determine whether any other studies or additional follow up studies may be required, including but not limited to traffic and studies, sprawl assessment, environmental impact study, wetland delineation, and any other related study.
  - c. Outline the scope, time frame, and extent of an amendment, and provide for any limits of such for any amendment.
  - d. Take any other measures in the consideration on any amendment.
7. Study. An economic and land use feasibility study commissioned in under this Chapter as part of an amendment shall consider:
- a. The population and population density within the area proposed for amendment and the surrounding area under the existing plan and the proposed amendment.
  - b. The history, geography, geology, and topography of and natural boundaries within the area proposed for amendment, any flood concerns, drainage ways or flood plain area, natural hazards, and soil compatibility, and the impact on the surrounding area.
  - c. Environmental factors including, but not limited to:
    - i. Past environmental history and geological hazards in the area;
    - ii. Water quality;
    - iii. Storm water;
    - iv. Air quality;
    - v. Transportation impacts;
    - vi. Wetlands;
    - vii. Flood Plain or flood prone areas;
    - viii. Public safety to include Fire Protection and Law Enforcement; and
    - ix. Other related factors as determined by the Planning Commission.
  - d. Whether the proposed amendment creates inconsistency in the overall General Plan, an island, or peninsula of competing or conflicting land uses.
  - e. Whether the proposed amendment will hinder or prevent a future and more logical and beneficial plan amendment.
  - f. The fiscal impact on the City and all affected entities.
  - g. Current and five year projections of demographics, economic base, and anticipated additional municipal type services for the proposed plan amendment area resulting from the proposed amendment;

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- h. Projected growth in the City and in adjacent areas during the next five (5) years as based upon building permits issued by the City from the prior five (5) years.
  - i. Present and projected long term costs to the City, including overhead of additional governmental services, both direct and indirect, attributed the proposed amendment compared to the present and projected revenue generated by the proposed amendment.
  - j. The projected impacts the proposed amendment may cause, including but not limited to:
    - i. The need for supporting public and non-public infrastructure, services, facilities, and otherwise.
    - ii. Additional services or other costs attributed from the proposed plan amendment.
    - iii. Possible tax increases that may result from the amendment.
    - iv. Anticipated increased costs and services for public safety; and
    - v. Past expansion in terms of population and construction in the surrounding area.
  - k. An assessment of whether the proposed amendment constitutes a use that justifies deviation of the existing plan.
  - l. An analysis of future potential uses of the property consistent with current growth trends and surrounding properties.
  - m. The need for the proposed plan amendment based upon housing, transportation, access, services, growth trends, the use of surrounding property, and other relevant indicators or information.
  - n. Any other information that would assist in consideration of the proposed amendment.
8. Recommendation Criteria. In giving its recommendation on a proposed amendment to the General Plan, the Planning Commission shall prepare a report to the City Council considering each of the following:
- a. Whether the proposed amendment will benefit the health, safety, and general welfare of the community.
  - b. Whether the proposed amendment is consistent with the general plan as a whole, the extent the proposed amendment may contribute to:
    - i. Urban sprawl.
    - ii. Impact on surrounding properties.
    - iii. Its impact on natural resources.
    - iv. The overall needs of the greater community.
  - c. That the proposed amendment will not reduce City finances or the budget, or detrimentally affect the service capabilities of the City or any affected entity, environmental quality, or transportation.
  - d. The results and recommendation of any economic and land use study or other relevant studies made under this Section.
  - e. Other considerations helpful or necessary based upon the facts and circumstances of the proposed amendment.

**18.01.030 Effect of the Plan.**

Except as provided in Utah Code §10-9a-406, the General Plan is an advisory guide for land use decisions, the impact of which may be further set forth in the municipal code.

**18.01.040 General Plan Elements.**

1. Purpose. The purpose of this Section is to implement Elements within the General Plan as regulatory measures to govern land use and comprehensive planning. The City adopts certain Elements as part of the General Plan in accordance with Utah Code Annotated §10-9a-403, as amended, to provide goals and implement regulations.
2. Required Elements. The City implements the following Elements:
  - a. Land Use Element. A land use element that provides for long term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the General Plan.
  - b. Transportation Element. A transportation and traffic circulation element that consists of the general location and extent of existing and proposed highways, arterial, collector streets, mass transit, and any other modes of transportation that the City considers appropriate as correlated with the population projections and proposed land uses.
  - c. Moderate Income Housing. A moderate income housing element to address an estimate of the need for the development of moderate income housing within the City, and a strategy to provide an opportunity to meet estimated needs for moderate income housing if long term projections for land use and development occur. The City has denoted in the General Plan issues related to public transit stations in order to comply with state law and may implement policies for the same. Also, the City has identified in the General Plan three (3) or more strategies prescribed in statute that the City may modify from time-to-time as needed to implement an effective Moderate Income Housing Plan.
3. Additional Elements. The City implements additional Elements as follows:
  - a. Environmental Element. An environmental element to address the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. This element also addresses the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards.
  - b. Public Services and Facilities. A public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights of way, easements, and facilities for them, police and fire protection, and other

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- public services.
- c. Redevelopment and Conservation. A rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
  - i. Historic preservation.
  - ii. Diminution or elimination of blight.
  - iii. Redevelopment of land, including housing sites, business, and industrial sites, and public building sites.
- d. Economic Element. An economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity.
- e. Agriculture. An agriculture element to identify USDA Prime Agricultural Lands, Agriculture Protection Areas, supports the use of agriculture lands and operations, promotes conservation and sustainability, and protects agriculture lands from development or encroachment.
- f. Other Elements. The General Plan may include recommendations for:
  - i. Annexation.
  - ii. Capital plans.
  - iii. Community development.
  - iv. Land use regulations.

### **18.01.050 Capital Plans.**

1. Purpose. A Capital Plan is a comprehensive and strategic planning document relating to a specific area, enterprise, and/or governmental function. Such plans may be a long-range or short range plan and identifies capital projects, capital investments, equipment purchases, provide a planning schedule, or identify options for budgeting and financing.
2. Policy Statement. A Capital Plan allows for:
  - a. Coordinating multi-jurisdictional projects with other governmental entities.
  - b. Systematic evaluation of all potential projects at the same time.
  - c. Ability to plan, budget, and consolidate projects to reduce costs.
  - d. Provide information to the public about planning and projects.
  - e. Aid in economic development.
  - f. Schedule the installation, repair, upgrade, or replacement of public infrastructure over time.
3. Contents. An ideal Capital Plan should contain the following information:
  - a. Statement of justification or purpose.
  - b. A listing of the capital projects or equipment to be purchased.
  - c. The projects ranked in order of preference.
  - d. The plan for financing the projects.
  - e. A timetable for the construction or completion of projects.
  - f. Itemized expenses for each project.
  - g. Map of each project location, project details, and project cost.
4. Review and Implementation. Regular review and update of the Capital Plan with the City

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Council. A pattern for implementation of a Capital Plan may be as follows:

- a. Short term and long term projects.
- b. Prioritization and ranking of projects.
- c. Evaluation of completed, unimplemented, or incomplete projects.
- d. Solicit, compile, and evaluate new project requests.
- e. Identify the specific steps for project development.
- f. Take inventory of existing capital assets.
- g. Assess financial capacity and possible grant funding.
- h. Schedule for development and a financing plan.
- i. Regulatory compliance and bidding procedures.
- j. Manage and monitor approved projects.

**Chapter 18.03  
Annexation**

**18.03.010 Annexation.**

- 5. Annexation Policy Plan. If the City desires to annex any unincorporated area into the boundaries of the City it must first adopt an Annexation Policy Plan in accordance with Utah Code Annotated §10-2-401.5, as amended.
- 6. Process. The annexation process shall comply with Part 4, Chapter 2, of Title 10 of the Utah Code Annotated, including any amendments to the same.
- 7. Land Use. The land use for any unincorporated area annexed into the City, or subject to a boundary adjustment, is governed by Utah Code Annotated §10-9a-506, 1953, as amended.

**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor Mark C. Allen

ATTEST:

\_\_\_\_\_  
City Recorder Amy Rodriguez

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2019.

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PUBLISHED OR POSTED this \_\_\_ day of \_\_\_\_\_, 2019.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at 1) City Hall, 2) \_\_\_\_\_, and 3) \_\_\_\_\_ on the above referenced dates.

\_\_\_\_\_  
City Recorder

DATE: \_\_\_\_\_