

ANNEXATION AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John R. Westwood

Senate Sponsor: Evan J. Vickers

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LONG TITLE

General Description:

This bill amends provisions governing the annexation of an unincorporated area.

Highlighted Provisions:

This bill:

- ▶ authorizes, in certain circumstances, an annexation that leaves or creates an unincorporated island or peninsula.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

**10-2-402**, as last amended by Laws of Utah 2011, Chapter 234

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-2-402** is amended to read:

**10-2-402. Annexation -- Limitations.**

(1) (a) A contiguous, unincorporated area that is contiguous to a municipality may be annexed to the municipality as provided in this part.

(b) An unincorporated area may not be annexed to a municipality unless:

(i) it is a contiguous area;

(ii) it is contiguous to the municipality;

30 (iii) [~~except as provided in Subsection 10-2-418(1)(b),~~] annexation will not leave or  
31 create an unincorporated island or unincorporated peninsula[~~;~~];

32 (A) except as provided in Subsection 10-2-418(1)(b); or

33 (B) unless the county and municipality have otherwise agreed; and

34 (iv) for an area located in a specified county with respect to an annexation that occurs  
35 after December 31, 2002, the area is within the proposed annexing municipality's expansion  
36 area.

37 (2) Except as provided in Section 10-2-418, a municipality may not annex an  
38 unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.

39 (3) (a) An annexation under this part may not include part of a parcel of real property  
40 and exclude part of that same parcel unless the owner of that parcel has signed the annexation  
41 petition under Section 10-2-403.

42 (b) A piece of real property that has more than one parcel number is considered to be a  
43 single parcel for purposes of Subsection (3)(a) if owned by the same owner.

44 (4) A municipality may not annex an unincorporated area in a specified county for the  
45 sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to  
46 annex the same or a related area unless the municipality has the ability and intent to benefit the  
47 annexed area by providing municipal services to the annexed area.

48 (5) The legislative body of a specified county may not approve urban development  
49 within a municipality's expansion area unless:

50 (a) the county notifies the municipality of the proposed development; and

51 (b) (i) the municipality consents in writing to the development; or

52 (ii) (A) within 90 days after the county's notification of the proposed development, the  
53 municipality submits to the county a written objection to the county's approval of the proposed  
54 development; and

55 (B) the county responds in writing to the municipality's objections.

56 (6) (a) An annexation petition may not be filed under this part proposing the  
57 annexation of an area located in a county that is not the county in which the proposed annexing

58 municipality is located unless the legislative body of the county in which the area is located has  
59 adopted a resolution approving the proposed annexation.

60 (b) Each county legislative body that declines to adopt a resolution approving a  
61 proposed annexation described in Subsection (6)(a) shall provide a written explanation of its  
62 reasons for declining to approve the proposed annexation.

63 (7) (a) As used in this Subsection (7), "airport" means an area that the Federal Aviation  
64 Administration has, by a record of decision, approved for the construction or operation of a  
65 Class I, II, or III commercial service airport, as designated by the Federal Aviation  
66 Administration in 14 C.F.R. Part 139.

67 (b) A municipality may not annex an unincorporated area within 5,000 feet of the  
68 center line of any runway of an airport operated or to be constructed and operated by another  
69 municipality unless the legislative body of the other municipality adopts a resolution  
70 consenting to the annexation.

71 (c) A municipality that operates or intends to construct and operate an airport and does  
72 not adopt a resolution consenting to the annexation of an area described in Subsection (7)(b)  
73 may not deny an annexation petition proposing the annexation of that same area to that  
74 municipality.

75 (8) An annexation petition may not be filed if it proposes the annexation of an area that  
76 is within a proposed township in a petition to establish a township under Subsection  
77 [17-27a-306\(1\)\(c\)](#) that has been certified under Subsection [17-27a-306\(1\)\(f\)](#), until after the  
78 canvass of an election on the proposed township under Subsection [17-27a-306\(1\)\(h\)](#).

79 (9) (a) A municipality may not annex an unincorporated area located within a project  
80 area described in a project area plan adopted by the military installation development authority  
81 under Title 63H, Chapter 1, Military Installation Development Authority Act, without the  
82 authority's approval.

83 (b) (i) Except as provided in Subsection (9)(b)(ii), the Military Installation  
84 Development Authority may petition for annexation of a project area and contiguous  
85 surrounding land to a municipality as if it was the sole private property owner of the project

86 area and surrounding land, if the area to be annexed is entirely contained within the boundaries  
87 of a military installation.

88 (ii) Before petitioning for annexation under Subsection (9)(b)(i), the Military  
89 Installation Development Authority shall provide the military installation with a copy of the  
90 petition for annexation. The military installation may object to the petition for annexation  
91 within 14 days of receipt of the copy of the annexation petition. If the military installation  
92 objects under this Subsection (9)(b)(ii), the Military Installation Development Authority may  
93 not petition for the annexation as if it was the sole private property owner.

94 (iii) If any portion of an area annexed under a petition for annexation filed by a  
95 Military Installation Development Authority is located in a specified county:

- 96 (A) the annexation process shall follow the requirements for a specified county; and
- 97 (B) the provisions of Subsection 10-2-402(6) do not apply.

98 **Section 2. Effective date.**

99 If approved by two-thirds of all the members elected to each house, this bill takes effect  
100 upon approval by the governor, or the day following the constitutional time limit of Utah  
101 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
102 the date of veto override.