

James A. Dunnigan proposes the following substitute bill:

Municipal Annexation Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Ronald M. Winterton

LONG TITLE

General Description:

This bill modifies provisions relating to annexation of unincorporated areas of a county of the second class.

Highlighted Provisions:

This bill:

- modifies definitions;
- requires certain unincorporated islands in a county of the second class to automatically annex into a bordering municipality;
- requires a county of the second class to hold a public hearing and provide notice of an automatic annexation;
- permits a legislative body of a county of the second class to exempt certain unincorporated islands from automatic annexation;
- permits a final local entity plat for an annexation to depict non-contiguous areas; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2-801, as renumbered and amended by Laws of Utah 2025, Chapter 399

10-2-813, as renumbered and amended by Laws of Utah 2025, Chapter 399

10-2-814, as renumbered and amended by Laws of Utah 2025, Chapter 399

17-73-507, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

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

Section 1. Section **10-2-801** is amended to read:

10-2-801 . Definitions.

As used in this part:

- (1) "Affected area" means an annexed area or area proposed for annexation.
- (2) "Affected entity" means:
 - (a) a county of the first or second class in whose unincorporated area the area proposed for annexation is located;
 - (b) a county of the third, fourth, fifth, or sixth class in whose unincorporated area the area proposed for annexation is located, if the area includes residents or commercial or industrial development;
 - (c) a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, whose boundary includes any part of an area proposed for annexation;
 - (d) a school district whose boundary includes any part of an area proposed for annexation, if the boundary is proposed to be adjusted as a result of the annexation; and
 - (e) a municipality whose boundaries are within 1/2 mile of an area proposed for annexation.
- (3) "Annexation action" means:
 - (a) the enactment of an ordinance annexing an unincorporated area;
 - (b) the enactment of an ordinance approving a boundary adjustment by each of the municipalities involved in the boundary adjustment; or
 - (c) an automatic annexation that occurs on July 1, 2027, under Subsection [~~10-2-814(2)(b)~~] 10-2-814(5).
- (4) "Annexation petition" means a petition under Section 10-2-806 proposing the annexation to a municipality of a contiguous, unincorporated area that is contiguous to the municipality.
- (5) "Annexing municipality" means:
 - (a) the municipality that annexes an unincorporated area; or
 - (b) the municipality to which an unincorporated island is automatically annexed under Section 10-2-814.

- 63 (6) "Applicable legislative body" means:
- 64 (a) the legislative body of each municipality that enacts an ordinance under this part
- 65 approving the annexation of an unincorporated area or the adjustment of a boundary;
- 66 or
- 67 (b) the legislative body of a municipality to which an unincorporated island is
- 68 automatically annexed under Section 10-2-814.
- 69 (7) "Expansion area" means the unincorporated area that is identified in an annexation
- 70 policy plan under Section 10-2-803 as the area that the municipality anticipates annexing
- 71 in the future.
- 72 (8) "Feasibility consultant" means a person or firm with expertise in the processes and
- 73 economics of local government.
- 74 (9) "Mining protection area" means the same as that term is defined in Section 17-41-101.
- 75 (10) "Municipal records officer" means a:
- 76 (a) city recorder; or
- 77 (b) town clerk.
- 78 (11) "Municipal selection committee" means a committee in each county composed of the
- 79 mayor of each municipality within that county.
- 80 (12) "Owner of real property" means:
- 81 (a) the record title owner according to the records of the county recorder on the date of
- 82 the filing of the petition or protest; or
- 83 (b) the lessee of military land, as defined in Section 63H-1-102, if the area proposed for
- 84 annexation includes military land that is within a project area described in a project
- 85 area plan adopted by the military installation development authority under Title 63H,
- 86 Chapter 1, Military Installation Development Authority Act.
- 87 (13) "Private," with respect to real property, means not owned by:
- 88 (a) the United States or any agency of the federal government;
- 89 (b) the state;
- 90 (c) a county;
- 91 (d) a municipality;
- 92 (e) a school district;
- 93 (f) a special district under Title 17B, Limited Purpose Local Government Entities -
- 94 Special Districts;
- 95 (g) a special service district under Title 17D, Chapter 1, Special Service District Act; or
- 96 (h) any other political subdivision or governmental entity of the state.

- 97 (14)(a) "Rural real property" means a group of contiguous tax parcels, or a single tax
 98 parcel, that:
- 99 (i) are under common ownership;
 - 100 (ii) consist of no less than 1,000 total acres;
 - 101 (iii) are zoned for manufacturing or agricultural purposes; and
 - 102 (iv) do not have a residential unit density greater than one unit per acre.
- 103 (b) "Rural real property" includes any portion of private real property, if the private real
 104 property:
- 105 (i) qualifies as rural real property under Subsection (14)(a); and
 - 106 (ii) consists of more than 1,500 total acres.
- 107 (15) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.
- 108 (16) "Unincorporated peninsula" means an unincorporated area:
- 109 (a) that is part of a larger unincorporated area;
 - 110 (b) that extends from the rest of the unincorporated area of which it is a part;
 - 111 (c) that is surrounded by land that is within a municipality, except where the area
 112 connects to and extends from the rest of the unincorporated area of which it is a part;
 113 and
 - 114 (d) whose width, at any point where a straight line may be drawn from a place where it
 115 borders a municipality to another place where it borders a municipality, is no more
 116 than 25% of the boundary of the area where it borders a municipality.
- 117 (17) "Urban development" means:
- 118 (a) a housing development with more than 15 residential units and an average density
 119 greater than one residential unit per acre; or
 - 120 (b) a commercial or industrial development for which cost projections exceed \$750,000
 121 for all phases.
- 122 Section 2. Section **10-2-813** is amended to read:
- 123 **10-2-813 . Filing of notice and plat -- Recording and notice requirements --**
 124 **Effective date of annexation or boundary adjustment.**
- 125 (1) An applicable legislative body shall:
- 126 (a) within 60 days after an annexation action, file with the lieutenant governor:
 - 127 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that
 128 meets the requirements of Subsection 67-1a-6.5(3);
 - 129 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - 130 (iii) if applicable, a copy of a resolution under Subsection [~~10-2-814(2)(a)(ii)~~]

- 131 10-2-814(2)(b);
- 132 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary
133 adjustment, as the case may be, under Section 67-1a-6.5:
- 134 (i) if the annexed area or area subject to the boundary adjustment is located within the
135 boundary of a single county, submit to the recorder of that county the original
136 notice of an impending boundary action, the original certificate of annexation or
137 boundary adjustment, the original approved final local entity plat, and a certified
138 copy of the ordinance approving the annexation or boundary adjustment; or
- 139 (ii) if the annexed area or area subject to the boundary adjustment is located within
140 the boundaries of more than a single county:
- 141 (A) submit to the recorder of one of the affected counties the original notice of
142 impending boundary action, the original certificate of annexation or boundary
143 adjustment, and the original approved final local entity plat;
- 144 (B) submit to the recorder of each other affected county a certified copy of the
145 documents listed in Subsection (1)(b)(ii)(A); and
- 146 (C) submit a certified copy of the ordinance approving the annexation or boundary
147 adjustment to each county described in Subsections (1)(b)(ii)(A) and (B); and
- 148 (c) concurrently with Subsection (1)(b):
- 149 (i) send notice of the annexation or boundary adjustment to each affected entity; and
- 150 (ii) in accordance with Section 53-2d-514, file with the Bureau of Emergency
151 Medical Services:
- 152 (A) a certified copy of the ordinance approving the annexation of an
153 unincorporated area or the adjustment of a boundary, if applicable; and
- 154 (B) a copy of the approved final local entity plat.
- 155 (2) If an annexation under this part or a boundary adjustment under Part 9, Municipal
156 Boundary Adjustments, also causes an automatic annexation to a special district under
157 Section 17B-1-416 or an automatic withdrawal from a special district under Subsection
158 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the
159 lieutenant governor issues a certificate of annexation or boundary adjustment under
160 Section 67-1a-6.5, send notice of the annexation or boundary adjustment to the special
161 district to which the annexed area is automatically annexed or from which the annexed
162 area is automatically withdrawn.
- 163 (3) Each notice required under Subsection (1) relating to an annexation or boundary
164 adjustment shall state the effective date of the annexation or boundary adjustment, as

- 165 determined under Subsection (4).
- 166 (4) An annexation under this part or a boundary adjustment under Part 9, Municipal
167 Boundary Adjustments, is completed and takes effect:
- 168 (a) for the annexation of or boundary adjustment affecting an area located in a county of
169 the first class, except for an annexation under Section 10-2-812:
- 170 (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
171 certificate of annexation or boundary adjustment if:
- 172 (A) the certificate is issued during the preceding November 1 through April 30;
173 and
- 174 (B) the requirements of Subsection (1) are met before that July 1; or
- 175 (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of
176 a certificate of annexation or boundary adjustment if:
- 177 (A) the certificate is issued during the preceding May 1 through October 31; and
178 (B) the requirements of Subsection (1) are met before that January 1; and
- 179 (b) subject to Subsection (5), for all other annexations and boundary adjustments, the
180 date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of
181 annexation or boundary adjustment.
- 182 (5)(a) The effective date of an annexation or boundary adjustment for purposes of
183 assessing property within an affected area is governed by Section 59-2-305.5.
- 184 (b) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the
185 recorder of each county in which the property is located, a municipality may not:
- 186 (i) levy or collect a property tax on property within an affected area;
187 (ii) levy or collect an assessment on property within an affected area; or
188 (iii) charge or collect a fee for service provided to property within an affected area,
189 unless the municipality was charging and collecting the fee within that area
190 immediately before annexation.

191 Section 3. Section **10-2-814** is amended to read:

192 **10-2-814 . Automatic annexations in counties of the first class and second class --**

193 **Notice.**

- 194 (1) As used in this section:
- 195 (a) "Most populous bordering municipality" means the municipality with the highest
196 population of any municipality that shares a common border with an unincorporated
197 island.
- 198 (b) "Unincorporated island" means~~[-an area that is]:~~

- 199 (i) within a county of the first class[;] , an area that is:
 200 [~~(ii)~~] (A) not within a municipality; and
 201 [~~(iii)~~] (B) completely surrounded by land that is within one or more municipalities
 202 within the county of the first class[;] ; or
 203 (ii) within a county of the second class with a population of 400,000 or less, an area:
 204 (A) that is 55 acres or smaller;
 205 (B) that is not within a municipality;
 206 (C) that is completely surrounded by land that is within one municipality within
 207 the county of the second class; and
 208 (D)(I) to which the municipality that completely surrounds the area provides
 209 sanitary sewer service or culinary water service;
 210 (II) that does not contain any public infrastructure; or
 211 (III) that contains public infrastructure that currently meets the municipal code
 212 and standards of the municipality that completely surrounds the area.
- 213 (2)~~(a)~~ Notwithstanding any other provision of this part, on July 1, 2027, an
 214 unincorporated island within a county of the first class is automatically annexed to:
 215 [~~(i)~~] (a) the most populous bordering municipality, except as provided in Subsection [
 216 (2)(a)(ii)] (2)(b); or
 217 [~~(ii)~~] (b) a municipality other than the most populous bordering municipality if:
 218 [~~(A)~~] (i) the other municipality shares a common border with the unincorporated
 219 island; and
 220 [~~(B)~~] (ii) the other municipality and the most populous bordering municipality each
 221 adopt a resolution agreeing that the unincorporated island should be annexed to
 222 the other municipality.
- 223 (3) Notwithstanding any other provision of this part, on July 1, 2027, an unincorporated
 224 island within a county of the second class is automatically annexed to the municipality
 225 that completely surrounds the unincorporated island.
- 226 (4)(a) No later than May 1, 2027, a county of the second class in which an
 227 unincorporated island will be automatically annexed shall:
 228 (i) schedule and hold a public hearing on the automatic annexation;
 229 (ii) at least 14 days before the day on which a hearing described in Subsection
 230 (4)(a)(i) is held, provide notice of the public hearing by:
 231 (A) posting a notice within the unincorporated island in a place reasonably likely
 232 to give notice of the public hearing;

- 233 (B) mailing written notice to each owner of real property located within the
 234 unincorporated island; and
- 235 (C) publishing notice on the Utah Public Notice Website and the county's website.
- 236 (b) The notice described in Subsection (4)(a)(ii) shall include:
- 237 (i) a description and map of the unincorporated island;
 238 (ii) the effective date of the automatic annexation; and
 239 (iii) information about the municipality into which the unincorporated island will be
 240 annexed including:
- 241 (A) a summary of services the municipality provides; and
 242 (B) the municipality's contact information.
- 243 (c) A county required to provide the notice described in Subsection (4)(a)(ii) shall
 244 consult with the applicable municipality when preparing the notice.
- 245 (d) The notice described in Subsection (4)(a)(ii) is in addition to any boundary
 246 certification or recording requirements under this chapter.
- 247 ~~[(b)]~~ (5) The effective date of an annexation under Subsection ~~[(2)(a)]~~ (2) or (3) is governed
 248 by Section 10-2-813.
- 249 (6) A legislative body of a county of the second class may exempt an unincorporated island
 250 or a portion of an unincorporated island from the requirements of this section by
 251 adopting a resolution on or before May 1, 2027, that includes a description or map of
 252 each exempted unincorporated island or portion of an unincorporated island.
- 253 Section 4. Section **17-73-507** is amended to read:
- 254 **17-73-507 . Final plats of local entity boundary actions -- County surveyor**
 255 **approval of final plat -- Plat requirements.**
- 256 (1) Upon request and in consultation with the county recorder, the county surveyor of each
 257 county in which property depicted on a plat is located shall determine whether the plat is
 258 a final local entity plat.
- 259 (2)(a) If a county surveyor determines that a plat meets the requirements of Subsection
 260 (3), the county surveyor shall approve the plat as a final local entity plat.
- 261 (b) The county surveyor shall indicate the approval of a plat as a final local entity plat on
 262 the face of the final local entity plat.
- 263 (3) A plat may not be approved as a final local entity plat unless the plat:
- 264 (a) contains a graphical illustration depicting:
- 265 (i) in the case of a proposed creation or incorporation of a local entity, the boundary
 266 of the proposed local entity;

- 267 (ii) in the case of a proposed annexation of an area into an existing local entity, the
268 boundary of the area proposed to be annexed, which may include non-contiguous
269 areas;
- 270 (iii) in the case of a proposed adjustment of a boundary between local entities, the
271 boundary of the area that the boundary adjustment proposes to move from inside
272 the boundary of one local entity to inside the boundary of another local entity;
- 273 (iv) in the case of a proposed withdrawal or disconnection of an area from a local
274 entity, the boundary of the area that is proposed to be withdrawn or disconnected;
- 275 (v) in the case of a proposed consolidation of multiple local entities, the boundary of
276 the proposed consolidated local entity; and
- 277 (vi) in the case of a proposed division of a local entity into multiple local entities, the
278 boundary of each new local entity created by the proposed division;
- 279 (b) is created on reproducible material that is:
- 280 (i) permanent in nature; and
- 281 (ii) the size and type specified by the county recorder;
- 282 (c) is drawn to a scale so that all data are legible;
- 283 (d) contains complete and accurate boundary information, including, as appropriate,
284 calls along existing boundary lines, sufficient to enable:
- 285 (i) the county surveyor to establish the boundary on the ground, in the event of a
286 dispute about the accurate location of the boundary; and
- 287 (ii) the county recorder to identify, for tax purposes, each tract or parcel included
288 within the boundary;
- 289 (e) depicts a name for the plat, approved by the county recorder, that is sufficiently
290 unique to distinguish the plat from all other recorded plats in the county;
- 291 (f) contains:
- 292 (i) the name of the local entity whose boundary is depicted on the plat;
- 293 (ii) the name of each county within which any property depicted on the plat is located;
- 294 (iii) the date that the plat was prepared;
- 295 (iv) a north arrow and legend;
- 296 (v) a signature block for:
- 297 (A) the signatures of:
- 298 (I) the professional land surveyor who prepared the plat; and
- 299 (II) the local entity's approving authority; and
- 300 (B) the approval of the county surveyor; and

- 301 (vi) a three-inch by three-inch block in the lower right hand corner for the county
- 302 recorder's use when recording the plat;
- 303 (g) has been certified and signed by a professional land surveyor licensed under Title 58,
- 304 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
- 305 and
- 306 (h) has been reviewed and signed by the approving authority of the local entity whose
- 307 boundary is depicted on the plat.
- 308 (4) The county surveyor may charge and collect a reasonable fee for the costs associated
- 309 with:
- 310 (a) the process of determining whether a plat is a final local entity plat; and
- 311 (b) the approval of a plat as a final local entity plat.

312 **Section 5. Effective Date.**

313 This bill takes effect on May 6, 2026.