

Effective 5/12/2015

10-2-415 Public hearing -- Notice.

- (1)
 - (a)
 - (i) If the results of the feasibility study or supplemental feasibility study meet the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area located in a county of the first class, the commission shall hold a public hearing within 30 days of receipt of the feasibility study or supplemental feasibility study results.
 - (ii) At the hearing under Subsection (1)(a)(i), the commission shall:
 - (A) require the feasibility consultant to present the results of the feasibility study and, if applicable, the supplemental feasibility study;
 - (B) allow those present to ask questions of the feasibility consultant regarding the study results; and
 - (C) allow those present to speak to the issue of annexation.
 - (iii)
 - (A) The commission shall:
 - (I) publish notice of each hearing under Subsection (1)(a)(i):
 - (Aa) at least once a week for two successive weeks in a newspaper of general circulation within the area proposed for annexation, the surrounding 1/2 mile of unincorporated area, and the proposed annexing municipality; and
 - (Bb) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks; and
 - (II) send written notice of the hearing to the municipal legislative body of the proposed annexing municipality, the contact sponsor on the annexation petition, each entity that filed a protest, and, if a protest was filed under Subsection 10-2-407(1)(c), the contact person.
 - (B) In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the commission shall give the notice required under that subsection by posting notices, at least seven days before the hearing, in conspicuous places within those areas that are most likely to give notice of the hearing to the residents of those areas.
 - (C) The notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study is available for inspection and copying at the office of the commission.
 - (b)
 - (i) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest has expired with respect to a proposed annexation of an area located in a specified county, the boundary commission shall hold a hearing on all protests that were filed with respect to the proposed annexation.
 - (ii)
 - (A) At least 14 days before the date of each hearing under Subsection (1)(b)(i), the commission chair shall cause notice of the hearing to be published in a newspaper of general circulation within the area proposed for annexation.
 - (B) Each notice under Subsection (1)(b)(ii)(A) shall:
 - (I) state the date, time, and place of the hearing;
 - (II) briefly summarize the nature of the protest; and
 - (III) state that a copy of the protest is on file at the commission's office.
 - (iii) The commission may continue a hearing under Subsection (1)(b)(i) from time to time, but no continued hearing may be held later than 60 days after the original hearing date.

- (iv) In considering protests, the commission shall consider whether the proposed annexation:
 - (A) complies with the requirements of Sections 10-2-402 and 10-2-403 and the annexation policy plan of the proposed annexing municipality;
 - (B) conflicts with the annexation policy plan of another municipality; and
 - (C) if the proposed annexation includes urban development, will have an adverse tax consequence on the remaining unincorporated area of the county.
- (2)
 - (a) The commission shall record each hearing under this section by electronic means.
 - (b) A transcription of the recording under Subsection (2)(a), the feasibility study, if applicable, information received at the hearing, and the written decision of the commission shall constitute the record of the hearing.

Amended by Chapter 352, 2015 General Session