

Effective 5/10/2016

10-2a-405 Duties of county legislative body -- Public hearing -- Notice -- Other election and incorporation issues -- Rural real property excluded.

- (1) The legislative body of a county of the first class shall before an election described in Section 10-2a-404:
 - (a) in accordance with Subsection (3), publish notice of the public hearing described in Subsection (1)(b);
 - (b) hold a public hearing; and
 - (c) at the public hearing, adopt a resolution:
 - (i) identifying, including a map prepared by the county surveyor, all unincorporated islands within the county;
 - (ii) identifying each eligible city that will annex each unincorporated island, including whether the unincorporated island may be annexed by one eligible city or divided and annexed by multiple eligible cities, if approved by the residents at an election under Section 10-2a-404; and
 - (iii) identifying, including a map prepared by the county surveyor, the planning townships within the county and any changes to the boundaries of a planning township that the county legislative body proposes under Subsection (5).
- (2) The county legislative body shall exclude from a resolution adopted under Subsection (1)(c) rural real property unless the owner of the rural real property provides written consent to include the property in accordance with Subsection (7).
- (3)
 - (a) The county clerk shall publish notice of the public hearing described in Subsection (1)(b):
 - (i) by mailing notice to each owner of real property located in an unincorporated island or planning township no later than 15 days before the day of the public hearing;
 - (ii) at least once a week for three successive weeks in a newspaper of general circulation within each unincorporated island, each eligible city, and each planning township; and
 - (iii) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks before the day of the public hearing.
 - (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least three days before the first public hearing required under Subsection (1)(b).
 - (c)
 - (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation within an unincorporated island, an eligible city, or a planning township, the county clerk shall post at least one notice of the hearing per 1,000 population in conspicuous places within the selected unincorporated island, eligible city, or planning township, as applicable, that are most likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or planning township.
 - (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before the hearing under Subsection (1)(b).
 - (d) The notice under Subsection (3)(a) or (c) shall include:
 - (i)
 - (A) for a resident of an unincorporated island, a statement that the property in the unincorporated island may be, if approved at an election under Section 10-2a-404, annexed by an eligible city, including divided and annexed by multiple cities if applicable, and the name of the eligible city or cities; or

- (B) for residents of a planning township, a statement that the property in the planning township shall be, pending the results of the election held under Section 10-2a-404, incorporated as a city, town, or metro township;
- (ii) the location and time of the public hearing; and
- (iii) the county website where a map may be accessed showing:
 - (A) how the unincorporated island boundaries will change if annexed by an eligible city; or
 - (B) how the planning township area boundaries will change, if applicable under Subsection (5), when the planning township incorporates as a metro township or as a city or town.
- (e) The county clerk shall publish a map described in Subsection (3)(d)(iii) on the county website.
- (4) The county legislative body may, by ordinance or resolution adopted at a public meeting and in accordance with applicable law, resolve an issue that arises with an election held in accordance with this part or the incorporation and establishment of a metro township in accordance with this part.
- (5)
 - (a) The county legislative body may, by ordinance or resolution adopted at a public meeting, change the boundaries of a planning township.
 - (b) A change to a planning township boundary under this Subsection (5) is effective only upon the vote of the residents of the planning township at an election under Section 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the boundaries of the planning township before the election.
 - (c) The county legislative body:
 - (i) may alter a planning township boundary under Subsection (5)(a) only if the alteration:
 - (A) affects less than 5% of the residents residing within the planning advisory area; and
 - (B) does not increase the area located within the planning township's boundaries; and
 - (ii) may not alter the boundaries of a planning township whose boundaries are entirely surrounded by one or more municipalities.
- (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an annexation or an incorporation process that, if approved, would change the boundaries of a planning township.
- (7)
 - (a) As used in this Subsection (7), "rural real property" means an area:
 - (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and
 - (ii) that does not include residential units with a density greater than one unit per acre.
 - (b) Unless an owner of rural real property gives written consent to a county legislative body, rural real property described in Subsection (7)(c) may not be:
 - (i) included in a planning township identified under Subsection (1)(c); or
 - (ii) incorporated as part of a metro township, city, or town, in accordance with this part.
 - (c) The following rural real property is subject to an owner's written consent under Subsection (7)
 - (b):
 - (i) rural real property that consists of 1,500 or more contiguous acres of real property consisting of one or more tax parcels;
 - (ii) rural real property that is not contiguous to, but used in connection with, rural real property that consists of 1,500 or more contiguous acres of real property consisting of one or more tax parcels;
 - (iii) rural real property that is owned, managed, or controlled by a person, company, or association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more contiguous acres of rural real property consisting of one or more tax parcels; or

- (iv) rural real property that is located in whole or in part in one of the following as defined in Section 17-41-101:
- (A) an agricultural protection area;
 - (B) an industrial protection area; or
 - (C) a mining protection area.

Amended by Chapter 176, 2016 General Session