| 1 | ANNEXATION OF AGRICULTURE |
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| 2 | PROTECTION AREAS |
| 3 | 1998 GENERAL SESSION |
| 4 | STATE OF UTAH |
| 5 | Sponsor: David Ure |
| 6 | AN ACT RELATING TO CITIES AND TOWNS AND COUNTIES; REQUIRING THE |
| 7 | CONSENT OF THE OWNERS OF ALL PROPERTY WITHIN AN AGRICULTURE |
| 8 | PROTECTION AREA FOR AN ANNEXATION PETITION OF THAT AREA OR FOR |
| 9 | WITHDRAWAL OF THE AREA FROM THE AGRICULTURE PROTECTION AREA |
| 10 | AFTER ANNEXATION; AND MAKING TECHNICAL CORRECTIONS. |
| 11 | This act affects sections of Utah Code Annotated 1953 as follows: |
| 12 | AMENDS: |
| 13 | 10-2-403, as last amended by Chapter 3, Laws of Utah 1997, Second Special Session |
| 14 | 17-41-306, as last amended by Chapter 383, Laws of Utah 1997 |
| 15 | Be it enacted by the Legislature of the state of Utah: |
| 16 | Section 1. Section 10-2-403 is amended to read: |
| 17 | 10-2-403. Annexation petition Requirements. |
| 18 | (1) Except as provided in Section 10-2-418, the process to annex an unincorporated area |
| 19 | to a municipality is initiated by a petition as provided in this section. |
| 20 | (2) Each petition under Subsection (1) shall: |
| 21 | (a) be filed with the city recorder or town clerk, as the case may be, of the proposed |
| 22 | annexing municipality; |
| 23 | (b) contain the signatures of the owners of private real property that: |
| 24 | (i) is located within the area proposed for annexation; |
| 25 | (ii) (A) subject to Subsection (2)(b)(ii)(B), covers a majority of the private land area within |
| 26 | the area proposed for annexation; and |
| 27 | (B) covers 100% of the private land area within the area proposed for annexation, if the |

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1 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture 2 Protection Area; and 3 (iii) is equal in value to at least 1/3 of the value of all private real property within the area 4 proposed for annexation; 5 (c) be accompanied by an accurate plat or map, prepared by a licensed surveyor, of the 6 area proposed for annexation; and 7 (d) designate up to five of the signers of the petition as sponsors, one of whom shall be 8 designated as the contact sponsor, and indicate the mailing address of each sponsor. 9 (3) A petition under Subsection (1) may not propose the annexation of all or part of an area 10 proposed for annexation to a municipality in a previously filed petition that has not been denied, 11 rejected, or granted. 12 (4) A petition under Subsection (1) may not propose the annexation of an area that 13 includes some or all of an area proposed to be incorporated in a request for a feasibility study 14 under Section 10-2-103 or a petition under Section 10-2-125 if: 15 (a) the request or petition was filed before the filing of the annexation petition; and 16 (b) the request, a petition under Section 10-2-109 based on that request, or a petition under 17 Section 10-2-125 is still pending on the date the annexation petition is filed. 18 (5) If practicable and feasible, the boundaries of an area proposed for annexation shall be 19 drawn along the boundaries of existing special districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts 20 21 adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of 22 other taxing entities: 23 (a) to eliminate islands and peninsulas of territory that is not receiving municipal-type 24 services; 25 (b) to facilitate the consolidation of overlapping functions of local government; 26 (c) to promote the efficient delivery of services; and 27 (d) to encourage the equitable distribution of community resources and obligations. (6) On the date of filing, the petition sponsors shall deliver or mail a copy of the petition 28 29 to: 30 (a) the clerk of the county in which the area proposed for annexation is located; and 31 (b) the chair of the planning commission of each township in which any part of the area

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| 1 | proposed for annexation is located. |
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| 2 | Section 2. Section 17-41-306 is amended to read: |
| 3 | 17-41-306. Adding land to or removing land from an agriculture protection area. |
| 4 | (1) (a) Any owner may add land to an existing agriculture protection area by: |
| 5 | (i) filing a proposal with the county legislative body; and |
| 6 | (ii) obtaining the approval of the county legislative body for the addition of the land to the |
| 7 | area. |
| 8 | (b) The county legislative body shall comply with the provisions for creating an |
| 9 | agriculture protection area in determining whether or not to accept the proposal. |
| 10 | (2) (a) Any owner may remove land from an agriculture protection area by filing a petition |
| 11 | for removal of the land from the agriculture protection area with the county legislative body. |
| 12 | (b) (i) The county legislative body shall: |
| 13 | (A) grant the petition for removal of land from an agriculture protection area even if |
| 14 | removal of the land would result in an agriculture protection area of less than the number of acres |
| 15 | established by the county legislative body as the minimum under Section 17-41-301; and |
| 16 | (B) in order to give constructive notice of the removal to all persons who have, may |
| 17 | acquire, or may seek to acquire an interest in land in or adjacent to the agriculture protection area |
| 18 | and the land removed from the agriculture protection area, file a legal description of the revised |
| 19 | boundaries of the agriculture protection area with the county recorder of deeds and the affected |
| 20 | county or district planning commission or township planning and zoning board. |
| 21 | (ii) The remaining land in the agriculture protection area is still an agriculture protection |
| 22 | area. |
| 23 | (3) (a) [When] $\underline{\text{If}}$ a municipality annexes any land that is part of an agriculture protection |
| 24 | area, the county legislative body shall, within 30 days after the land is annexed, review the |
| 25 | feasibility of that land remaining in the agriculture protection area according to the procedures and |
| 26 | requirements of Section 17-41-307. |
| 27 | (b) [H appropriate, the] The county legislative body shall remove the annexed land from |
| 28 | the agriculture protection area if: |
| 29 | (i) the county legislative body concludes, after the review under Section 17-41-307, that |
| 30 | removal is appropriate; and |
| 31 | (ii) the owners of all the annexed land that is within the agriculture protection area consent |

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1 in writing to the removal.

Legislative Review Note as of 1-12-98 4:22 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel