



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  
20 the boundaries of school districts whose boundaries follow city boundaries or school districts  
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.

28 (6) On the date of filing, the petition sponsors shall deliver or mail a copy of the petition  
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

1 proposed for annexation is located.

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]~~ 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) ~~[If 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

1 in writing to the removal.

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**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**