

# 1st Sub. H.B. 362

## ANNEXATION AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 21, 2007 3:55 PM

Representative **Stephen H. Urquhart** proposes the following amendments:

1. *Page 1, Line 21:*

21 peninsula without an annexation petition;

**▶ prohibits a municipality from annexing an area that is within the conical surface area of an airport operated or to be operated by another municipality without that other municipality's consent;**

**▶ prohibits a municipality that does not consent to an annexation by another municipality of an area that is within the conical surface area of the municipality's airport from denying an annexation petition proposing the annexation of that same area to that municipality;**

2. *Page 2, Line 33:*

33 AMENDS:

**10-2-402, as last amended by Chapter 294, Laws of Utah 2003**

3. *Page 2, Line 37:*

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

**Section 1. Section 10-2-402 is amended to read:**

**10-2-402. Annexation -- Limitations.**

(1) (a) A contiguous, unincorporated area that is contiguous to a municipality may be annexed to the municipality as provided in this part.

(b) An unincorporated area may not be annexed to a municipality unless:

(i) it is a contiguous area;

(ii) it is contiguous to the municipality;

(iii) except as provided in Subsection 10-2-418(1)(b), annexation will not leave or create an unincorporated island or peninsula; and

(iv) for an area located in a specified county with respect to an annexation that occurs after December 31, 2002, the area is within the proposed annexing municipality's expansion area.

(2) Except as provided in Section 10-2-418, a municipality may not annex an unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.

(3) An annexation under this part may not include part of a parcel of real property and exclude part of that same parcel unless the owner of that parcel has signed the annexation petition under Section 10-2-403.

(4) A municipality may not annex an unincorporated area in a specified county for the sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to annex the same or a related area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services to

the annexed area.

(5) The legislative body of a specified county may not approve urban development within a municipality's expansion area unless:

(a) the county notifies the municipality of the proposed development; and

(b) (i) the municipality consents in writing to the development; or

(ii) (A) within 90 days after the county's notification of the proposed development, the municipality submits to the county a written objection to the county's approval of the proposed development; and

(B) the county responds in writing to the municipality's objections.

(6) (a) An annexation petition may not be filed under this part proposing the annexation of an area located in a county that is not the county in which the proposed annexing municipality is located unless the legislative body of the county in which the area is located has adopted a resolution approving the proposed annexation.

(b) Each county legislative body that declines to adopt a resolution approving a proposed annexation described in Subsection (6)(a) shall provide a written explanation of its reasons for declining to approve the proposed annexation.

= **(7)(a) As used in this Subsection (7):**

**(i) "Airport" means an area that the Federal Aviation Administration has, by a record of decision, approved for the construction of a Class I, II, or III commercial service airport, as designated by the Federal Aviation Administration in 14 C.F.R. Part 139.**

**(ii) "Conical surface area" has the same meaning as defined in 14 C.F.R. 77, Objects Affecting Navigable Airspace.**

**(b) A municipality may not annex an unincorporated area within the conical surface area of an airport operated or to be constructed and operated by another municipality unless the legislative body of the other municipality adopts a resolution consenting to the annexation.**

**(c) A municipality that operates or intends to construct and operate an airport and does not adopt a resolution consenting to the annexation of an area described in Subsection (7)(b) may not deny an annexation petition proposing the annexation of that same area to that municipality.**

**Renumber remaining sections accordingly.**