

Senator Karen Mayne proposes the following substitute bill:

UNINCORPORATED AREAS AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill modifies provisions relating to unincorporated areas of counties.

Highlighted Provisions:

This bill:

- ▶ modifies the municipal annexation process with respect to a proposed annexation of an area included within a township to include a process for withdrawal of the area from the township;
- ▶ prohibits the filing of an annexation petition if the area proposed to be annexed is within a proposed township;
- ▶ repeals a provision prohibiting a municipality from denying, under certain circumstances, a petition proposing the annexation of an area located in a county of the first class;
- ▶ modifies the process for establishing a township and the authority of a county legislative body with respect to the establishment of a township;
- ▶ repeals obsolete language;
- ▶ provides a process for withdrawing an area from a township;
- ▶ provides a process for dissolving a township;
- ▶ repeals a provision limiting annexations of territory in a township; and



26 ▶ repeals a provision repealing in 2010 a provision that prohibits an annexation by a
27 municipality in a county of the first class under certain circumstances.

28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **10-2-401**, as last amended by Laws of Utah 2008, Chapter 360

35 **10-2-402**, as last amended by Laws of Utah 2008, Chapter 167

36 **10-2-403**, as last amended by Laws of Utah 2007, Chapter 329

37 **10-2-405**, as last amended by Laws of Utah 2004, Chapter 90

38 **10-2-407**, as last amended by Laws of Utah 2003, Chapter 211

39 **10-2-408**, as last amended by Laws of Utah 2001, Chapter 206

40 **10-2-414**, as last amended by Laws of Utah 2007, Chapter 329

41 **17-27a-306**, as last amended by Laws of Utah 2008, Chapter 250

42 **63I-2-210**, as last amended by Laws of Utah 2008, Chapter 290 and renumbered and
43 amended by Laws of Utah 2008, Chapter 382

44 ENACTS:

45 **10-2-408.5**, Utah Code Annotated 1953

46 REPEALS:

47 **10-2-427**, as enacted by Laws of Utah 2002, Chapter 224



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

50 Section 1. Section **10-2-401** is amended to read:

51 **10-2-401. Definitions -- Property owner provisions.**

52 (1) As used in this part:

53 (a) "Affected entity" means:

54 (i) a county in whose unincorporated area the area proposed for annexation is located;

55 (ii) a local district under Title 17B, Limited Purpose Local Government Entities - Local
56 Districts, or special service district under Title 17D, Chapter 1, Special Service District Act,

57 whose boundaries include any part of an area proposed for annexation;

58 (iii) a school district whose boundaries include any part of an area proposed for
59 annexation; and

60 (iv) a municipality whose boundaries are within 1/2 mile of an area proposed for
61 annexation.

62 (b) "Annexation petition" means a petition under Section 10-2-403 proposing the
63 annexation to a municipality of a contiguous, unincorporated area that is contiguous to the
64 municipality.

65 (c) "Commission" means a boundary commission established under Section 10-2-409
66 for the county in which the property that is proposed for annexation is located.

67 (d) "Expansion area" means the unincorporated area that is identified in an annexation
68 policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in
69 the future.

70 (e) "Feasibility consultant" means a person or firm with expertise in the processes and
71 economics of local government.

72 (f) "Municipal selection committee" means a committee in each county composed of
73 the mayor of each municipality within that county.

74 (g) "Private," with respect to real property, means not owned by the United States or
75 any agency of the federal government, the state, a county, a municipality, a school district, a
76 local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, a
77 special service district under Title 17D, Chapter 1, Special Service District Act, or any other
78 political subdivision or governmental entity of the state.

79 (h) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.

80 (i) "Township" has the same meaning as defined in Section 17-27a-103.

81 [(†)] (j) "Urban development" means:

82 (i) a housing development with more than 15 residential units and an average density
83 greater than one residential unit per acre; or

84 (ii) a commercial or industrial development for which cost projections exceed
85 \$750,000 for all phases.

86 (2) For purposes of this part:

87 (a) the owner of real property shall be the record title owner according to the records of

88 the county recorder on the date of the filing of the petition or protest; and

89 (b) the value of private real property shall be determined according to the last
90 assessment roll for county taxes before the filing of the petition or protest.

91 (3) For purposes of each provision of this part that requires the owners of private real
92 property covering a percentage or majority of the total private land area within an area to sign a
93 petition or protest:

94 (a) a parcel of real property may not be included in the calculation of the required
95 percentage or majority unless the petition or protest is signed by:

96 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority
97 ownership interest in that parcel; or

98 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
99 of owners of that parcel;

100 (b) the signature of a person signing a petition or protest in a representative capacity on
101 behalf of an owner is invalid unless:

102 (i) the person's representative capacity and the name of the owner the person represents
103 are indicated on the petition or protest with the person's signature; and

104 (ii) the person provides documentation accompanying the petition or protest that
105 substantiates the person's representative capacity; and

106 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
107 petition or protest on behalf of a deceased owner.

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

109 **10-2-402. Annexation -- Limitations.**

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

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

113 (i) it is a contiguous area;

114 (ii) it is contiguous to the municipality;

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

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

119 area.

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

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

125 (b) A piece of real property that has more than one parcel number is considered to be a
126 single parcel for purposes of Subsection (3)(a) if owned by the same owner.

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

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

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

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

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

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

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

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

146 (7) (a) As used in this Subsection (7), "airport" means an area that the Federal Aviation
147 Administration has, by a record of decision, approved for the construction or operation of a
148 Class I, II, or III commercial service airport, as designated by the Federal Aviation
149 Administration in 14 C.F.R. Part 139.

150 (b) A municipality may not annex an unincorporated area within 5,000 feet of the
151 center line of any runway of an airport operated or to be constructed and operated by another
152 municipality unless the legislative body of the other municipality adopts a resolution
153 consenting to the annexation.

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

158 (8) An annexation petition may not be filed if it proposes the annexation of an area that
159 is within a proposed township in a petition to establish a township under Subsection
160 17-27a-306(1)(c) that has been certified under Subsection 17-27a-306(1)(f), until after the
161 canvass of an election on the proposed township under Subsection 17-27-306(1)(h).

162 Section 3. Section **10-2-403** is amended to read:

163 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

164 (1) Except as provided in Section 10-2-418, the process to annex an unincorporated
165 area to a municipality is initiated by a petition as provided in this section.

166 (2) (a) (i) Before filing a petition under Subsection (1) with respect to the proposed
167 annexation of an area located in a county of the first class, the person or persons intending to
168 file a petition shall:

169 (A) file with the city recorder or town clerk of the proposed annexing municipality a
170 notice of intent to file a petition; and

171 (B) send a copy of the notice of intent to each affected entity.

172 (ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the
173 area that is proposed to be annexed.

174 (b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be
175 annexed is located shall:

176 (A) mail the notice described in Subsection (2)(b)(iii) to:

177 (I) each owner of real property located within the area proposed to be annexed; and

178 (II) each owner of real property located within 300 feet of the area proposed to be
179 annexed; and

180 (B) send to the proposed annexing municipality a copy of the notice and a certificate

181 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

182 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20
183 days after receiving from the person or persons who filed the notice of intent:

184 (A) a written request to mail the required notice; and

185 (B) payment of an amount equal to the county's expected actual cost of mailing the
186 notice.

187 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

188 (A) be in writing;

189 (B) state, in bold and conspicuous terms, substantially the following:

190 "Attention: Your property may be affected by a proposed annexation.

191 Records show that you own property within an area that is intended to be included in a
192 proposed annexation to (state the name of the proposed annexing municipality) or that is within
193 300 feet of that area. If your property is within the area proposed for annexation, you may be
194 asked to sign a petition supporting the annexation. You may choose whether or not to sign the
195 petition. By signing the petition, you indicate your support of the proposed annexation. If you
196 sign the petition but later change your mind about supporting the annexation, you may
197 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
198 of (state the name of the proposed annexing municipality) within 30 days after (state the name
199 of the proposed annexing municipality) receives notice that the petition has been certified.

200 There will be no public election on the proposed annexation because Utah law does not
201 provide for an annexation to be approved by voters at a public election. Signing or not signing
202 the annexation petition is the method under Utah law for the owners of property within the area
203 proposed for annexation to demonstrate their support of or opposition to the proposed
204 annexation.

205 ~~[Under Utah law, the elected officials of (state the name of the proposed annexing~~
206 ~~municipality) may have no choice but to grant the annexation petition if the county's property~~
207 ~~tax rate for municipal services in the area proposed to be annexed is higher than the property~~
208 ~~tax rate of (state the name of the proposed annexing municipality) and if other statutory~~
209 ~~conditions are met.]~~

210 You may obtain more information on the proposed annexation by contacting (state the
211 name, mailing address, telephone number, and email address of the official or employee of the

212 proposed annexing municipality designated to respond to questions about the proposed
213 annexation), (state the name, mailing address, telephone number, and email address of the
214 county official or employee designated to respond to questions about the proposed annexation),
215 or (state the name, mailing address, telephone number, and email address of the person who
216 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the
217 notice of intent, one of those persons). Once filed, the annexation petition will be available for
218 inspection and copying at the office of (state the name of the proposed annexing municipality)
219 located at (state the address of the municipal offices of the proposed annexing municipality).";
220 and

221 (C) be accompanied by an accurate map identifying the area proposed for annexation.

222 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any
223 other information or materials related or unrelated to the proposed annexation.

224 (c) (i) After receiving the certificate from the county as provided in Subsection
225 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons
226 who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for
227 the annexation proposed in the notice of intent.

228 (ii) An annexation petition provided by the proposed annexing municipality may be
229 duplicated for circulation for signatures.

230 (3) Each petition under Subsection (1) shall:

231 (a) [(†)] be filed with the city recorder or town clerk, as the case may be, of the
232 proposed annexing municipality;

233 [~~(ii) when filed and if applicable, be accompanied by a written statement, signed by the~~
234 ~~petition sponsors, certifying that signatures on a petition that does not comply with the~~
235 ~~requirements of Subsection (3)(d) were gathered before the effective date of that Subsection;]~~

236 (b) contain the signatures of:

237 (i) the owners of private real property that:

238 (A) is located within the area proposed for annexation;

239 (B) (I) subject to Subsection (3)(b)(i)(B)(II), covers a majority of the private land area
240 within the area proposed for annexation; and

241 (II) covers 100% of the private land area within the area proposed for annexation, if the
242 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture

243 Protection Area; and

244 (C) is equal in value to at least 1/3 of the value of all private real property within the
245 area proposed for annexation; or

246 (ii) if all the real property within the area proposed for annexation is owned by a public
247 entity other than the federal government, the owner of all the publicly owned real property;

248 (c) if the petition proposes the annexation of an area located within a township, explain
249 that if the annexation petition is granted, the area will also be withdrawn from the township;

250 [~~e~~] (d) be accompanied by:

251 (i) an accurate and recordable map, prepared by a licensed surveyor, of the area
252 proposed for annexation; and

253 (ii) a copy of the notice sent to affected entities as required under Subsection
254 (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

255 [~~d~~] (e) if the area proposed to be annexed is located in a county of the first class,
256 contain on each signature page a notice in bold and conspicuous terms that states substantially
257 the following:

258 "Notice:

259 [~~Under Utah law, the elected officials of (state the name of the proposed annexing~~
260 ~~municipality) may have no choice but to grant this annexation petition if the county's property~~
261 ~~tax rate for municipal services in the area proposed to be annexed is higher than the property~~
262 ~~tax rate of (state the name of the proposed annexing municipality) and if other statutory~~
263 ~~conditions are met.]~~

264 • There will be no public election on the annexation proposed by this petition because
265 Utah law does not provide for an annexation to be approved by voters at a public election.

266 • If you sign this petition and later decide that you do not support the petition, you may
267 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
268 of (state the name of the proposed annexing municipality). If you choose to withdraw your
269 signature, you must do so no later than 30 days after (state the name of the proposed annexing
270 municipality) receives notice that the petition has been certified.";

271 [~~e~~] (f) if the petition proposes the annexation of an area located in a county that is not
272 the county in which the proposed annexing municipality is located, be accompanied by a copy
273 of the resolution, required under Subsection 10-2-402(6), of the legislative body of the county

274 in which the area is located; and

275 ~~[(f)]~~ (g) designate up to five of the signers of the petition as sponsors, one of whom
276 shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

277 (4) A petition under Subsection (1) may not propose the annexation of all or part of an
278 area proposed for annexation to a municipality in a previously filed petition that has not been
279 denied, rejected, or granted.

280 (5) A petition under Subsection (1) proposing the annexation of an area located in a
281 county of the first class may not propose the annexation of an area that includes some or all of
282 an area proposed to be incorporated in a request for a feasibility study under Section 10-2-103
283 or a petition under Section 10-2-125 if:

284 (a) the request or petition was filed before the filing of the annexation petition; and

285 (b) the request, a petition under Section 10-2-109 based on that request, or a petition
286 under Section 10-2-125 is still pending on the date the annexation petition is filed.

287 (6) If practicable and feasible, the boundaries of an area proposed for annexation shall
288 be drawn:

289 (a) along the boundaries of existing local districts and special service districts for
290 sewer, water, and other services, along the boundaries of school districts whose boundaries
291 follow city boundaries or school districts adjacent to school districts whose boundaries follow
292 city boundaries, and along the boundaries of other taxing entities;

293 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type
294 services;

295 (c) to facilitate the consolidation of overlapping functions of local government;

296 (d) to promote the efficient delivery of services; and

297 (e) to encourage the equitable distribution of community resources and obligations.

298 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the
299 petition to:

300 (a) the clerk of the county in which the area proposed for annexation is located; and

301 (b) if any of the area proposed for annexation is within a township:

302 (i) the legislative body of the county in which the township is located; and

303 ~~[(b)]~~ (ii) the chair of the township planning commission ~~[of each township in which~~
304 ~~any part of the area proposed for annexation is located].~~

305 (8) A property owner who signs an annexation petition proposing to annex an area
306 located in a county of the first class may withdraw the owner's signature by filing a written
307 withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30
308 days after the municipal legislative body's receipt of the notice of certification under
309 Subsection 10-2-405(2)(c)(i).

310 Section 4. Section ~~10-2-405~~ is amended to read:

311 **10-2-405. Acceptance or rejection of an annexation petition -- Modified petition.**

312 (1) (a) (i) ~~[(A)]~~ A municipal legislative body may:

313 ~~[(F) except as provided in Subsection (1)(b) and]~~

314 (A) subject to Subsection (1)(a)~~[(F)(B)]~~(ii), deny a petition filed under Section
315 10-2-403; or

316 ~~[(H)]~~ (B) accept the petition for further consideration under this part.

317 ~~[(B)]~~ (ii) A petition shall be considered to have been accepted for further consideration
318 under this part if a municipal legislative body fails to act to deny or accept the petition under
319 Subsection (1)(a)(i)~~[(A)]~~:

320 ~~[(F)]~~ (A) in the case of a city of the first or second class, within 14 days after the filing
321 of the petition; or

322 ~~[(H)]~~ (B) in the case of a city of the third, fourth, or fifth class or a town, at the next
323 regularly scheduled meeting of the municipal legislative body that is at least 14 days after the
324 date the petition was filed.

325 ~~[(H)]~~ (b) If a municipal legislative body denies a petition under Subsection
326 (1)(a)(i)~~[(A)]~~, it shall, within five days ~~[of]~~ after the denial, mail written notice of the denial to:

327 (i) the contact sponsor~~[-]~~;

328 (ii) the clerk of the county in which the area proposed for annexation is located~~[-]~~; and

329 (iii) if any of the area proposed for annexation is within a township:

330 (A) the legislative body of the county in which the township is located; and

331 (B) the chair of the planning commission ~~[of each township in which any part of the~~
332 ~~area proposed for annexation is located].~~

333 ~~[(b) A municipal legislative body may not deny a petition filed under Section 10-2-403~~
334 ~~proposing to annex an area located in a county of the first class if:]~~

335 ~~[(i) the petition contains the signatures of the owners of private real property that:]~~

336 ~~[(A) is located within the area proposed for annexation;]~~
337 ~~[(B) covers a majority of the private land area within the area proposed for annexation;~~
338 ~~and]~~
339 ~~[(C) is equal in value to at least 1/2 of the value of all private real property within the~~
340 ~~area proposed for annexation;]~~
341 ~~[(ii) the population in the area proposed for annexation does not exceed 10% of the~~
342 ~~population of the proposed annexing municipality;]~~
343 ~~[(iii) the property tax rate for municipal services in the area proposed to be annexed is~~
344 ~~higher than the property tax rate of the proposed annexing municipality; and]~~
345 ~~[(iv) all annexations by the proposed annexing municipality during the year that the~~
346 ~~petition was filed have not increased the municipality's population by more than 20%.]~~
347 (2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i)~~[(A)]~~
348 or is considered to have accepted the petition under Subsection (1)(a)~~[(i)(B)]~~(ii), the city
349 recorder or town clerk, as the case may be, shall, within 30 days ~~[of]~~ after that acceptance:
350 (a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the
351 area proposed for annexation is located the records the city recorder or town clerk needs to
352 determine whether the petition meets the requirements of Subsections 10-2-403~~[(2);]~~(3), ~~[and]~~
353 (4), and (5);
354 (b) with the assistance of the municipal attorney, determine whether the petition meets
355 the requirements of Subsections 10-2-403~~[(2);]~~(3), ~~[and]~~ (4), and (5); and
356 (c) (i) if the city recorder or town clerk determines that the petition meets those
357 requirements, certify the petition and mail or deliver written notification of the certification to
358 the municipal legislative body, the contact sponsor, the county legislative body, and the chair of
359 the planning commission of each township in which any part of the area proposed for
360 annexation is located; or
361 (ii) if the city recorder or town clerk determines that the petition fails to meet any of
362 those requirements, reject the petition and mail or deliver written notification of the rejection
363 and the reasons for the rejection to the municipal legislative body, the contact sponsor, the
364 county legislative body, and the chair of the planning commission of each township in which
365 any part of the area proposed for annexation is located.
366 (3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(c)(ii),

367 the petition may be modified to correct the deficiencies for which it was rejected and then
368 refiled with the city recorder or town clerk, as the case may be.

369 (ii) A signature on an annexation petition filed under Section 10-2-403 may be used
370 toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as
371 modified under Subsection (3)(a)(i).

372 (b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city
373 recorder or town clerk under Subsection (2)(c)(ii), the refiled petition shall be treated as a
374 newly filed petition under Subsection 10-2-403(1).

375 (4) Each county assessor, clerk, surveyor, and recorder shall provide copies of records
376 that a city recorder or town clerk requests under Subsection (2)(a).

377 Section 5. Section **10-2-407** is amended to read:

378 **10-2-407. Protest to annexation petition -- Township planning commission**
379 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**

380 (1) (a) A protest to an annexation petition under Section 10-2-403 may be filed by:

381 (i) the legislative body or governing board of an affected entity; or

382 (ii) for a proposed annexation of an area within a county of the first class, the owners
383 of private real property that:

384 (A) is located in the unincorporated area within 1/2 mile of the area proposed for
385 annexation;

386 (B) covers at least 25% of the private land area located in the unincorporated area
387 within 1/2 mile of the area proposed for annexation; and

388 (C) is equal in value to at least 15% of all real property located in the unincorporated
389 area within 1/2 mile of the area proposed for annexation.

390 (b) (i) A planning commission of a township located in a county of the first class may
391 recommend to the legislative body of the county in which the township is located that the
392 county legislative body file a protest against a proposed annexation under this part of an area
393 located within the township.

394 (ii) (A) The township planning commission shall communicate each recommendation
395 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days ~~of~~ after
396 the city recorder or town clerk's certification of the annexation petition under Subsection
397 10-2-405(2) (c)(i).

398 (B) At the time the recommendation is communicated to the county legislative body
399 under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy
400 of the recommendation to the legislative body of the proposed annexing municipality and to the
401 contact sponsor.

402 (2) (a) Each protest under Subsection (1)(a) shall:

403 (i) be filed:

404 (A) no later than 30 days after the municipal legislative body's receipt of the notice of
405 certification under Subsection 10-2-405(2)(c)(i); and

406 (B) (I) in a county that has already created a commission under Section 10-2-409, with
407 the commission; or

408 (II) in a county that has not yet created a commission under Section 10-2-409, with the
409 clerk of the county in which the area proposed for annexation is located; and

410 (ii) state each reason for the protest of the annexation petition and, if the area proposed
411 to be annexed is located in a specified county, justification for the protest under the standards
412 established in this chapter;

413 (iii) if the area proposed to be annexed is located in a specified county, contain other
414 information that the commission by rule requires or that the party filing the protest considers
415 pertinent; and

416 (iv) the name and address of a contact person who is to receive notices sent by the
417 commission with respect to the protest proceedings.

418 (b) The party filing a protest under this section shall on the same date deliver or mail a
419 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

420 (c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall:

421 (i) immediately notify the county legislative body of the protest; and ~~shall~~

422 (ii) deliver the protest to the boundary commission within five days ~~[of its creation]~~
423 after:

424 (A) receipt of the protest, if the boundary commission has previously been created; or

425 (B) creation of the boundary commission under Subsection 10-2-409(1)(b), if the
426 boundary commission has not previously been created.

427 (d) Each protest of a proposed annexation of an area located in a county of the first
428 class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a) and

429 (b):

430 (i) indicate the typed or printed name and current residence address of each owner
431 signing the protest; and

432 (ii) designate one of the signers of the protest as the contact person and state the
433 mailing address of the contact person.

434 (3) (a) (i) If a protest is filed under this section:

435 (A) the municipal legislative body may, at its next regular meeting after expiration of
436 the deadline under Subsection (2)(a)(i)(A) [~~and, for a proposed annexation of an area located in~~
437 ~~a county of the first class, except as provided in Subsection (3)(a)(iii)], deny the annexation~~
438 petition; or

439 (B) if the municipal legislative body does not deny the annexation petition under
440 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the
441 annexation petition until after receipt of the commission's notice of its decision on the protest
442 under Section 10-2-416.

443 (ii) If a municipal legislative body denies an annexation petition under Subsection
444 (3)(a)(i)(A), the municipal legislative body shall, within five days ~~[of]~~ after the denial, send
445 notice of the denial in writing to:

446 (A) the contact sponsor of the annexation petition;

447 (B) the commission;

448 (C) each entity that filed a protest; [~~and]~~

449 (D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an
450 area located in a county of the first class, the contact person~~[-];~~ and

451 [~~(iii) A municipal legislative body may not deny an annexation petition proposing to~~
452 ~~annex an area located in a county of the first class if:]~~

453 [~~(A) the petition contains the signatures of the owners of private real property that:]~~

454 [~~(F) is located within the area proposed for annexation;]~~

455 [~~(H) covers a majority of the private land area within the area proposed for annexation;~~
456 ~~and]~~

457 [~~(HH) is equal in value to at least 1/2 of the value of all private real property within the~~
458 ~~area proposed for annexation;]~~

459 [~~(B) the population in the area proposed for annexation does not exceed 10% of the~~

460 population of the proposed annexing municipality;]

461 [~~(C)~~ the property tax rate for municipal services in the area proposed to be annexed is
462 higher than the property tax rate of the proposed annexing municipality; and]

463 [~~(D)~~ all annexations by the proposed annexing municipality during the year that the
464 petition was filed have not increased the municipality's population by more than 20%.]

465 (E) if any of the area proposed for annexation is within a township, the legislative body
466 of the county in which the township is located.

467 (b) (i) If no timely protest is filed under this section, the municipal legislative body
468 may, subject to Subsection (3)(b)(ii), [grant] approve the petition [~~and, by ordinance, annex the~~
469 ~~area that is the subject of the annexation petition~~].

470 (ii) Before [~~granting~~] approving an annexation petition under Subsection (3)(b)(i), the
471 municipal legislative body shall:

472 (A) hold a public hearing; and

473 (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):

474 (I) publish notice of the hearing in a newspaper of general circulation within the
475 municipality and the area proposed for annexation; or

476 (II) if there is no newspaper of general circulation in those areas, post written notices of
477 the hearing in conspicuous places within those areas that are most likely to give notice to
478 residents within those areas.

479 (iii) Within ten days after approving an annexation under Subsection (3)(b)(i) of an
480 area that is partly or entirely within a township, the municipal legislative body shall send notice
481 of the approval to the legislative body of the county in which the township is located.

482 Section 6. Section **10-2-408** is amended to read:

483 **10-2-408. Denial of or granting the annexation petition.**

484 (1) After receipt of the commission's decision on a protest under Subsection
485 10-2-416(2), a municipal legislative body may:

486 (a) [~~except as provided in Subsection (2) for a proposed annexation of an area located~~
487 ~~in a county of the first class,~~] deny the annexation petition; or

488 (b) if the commission approves the annexation, [grant] approve the annexation petition
489 [~~and, by ordinance and~~] consistent with the commission's decision[~~, annex the area that is the~~
490 ~~subject of the annexation petition~~].

491 ~~[(2) A municipal legislative body may not deny an annexation petition proposing to~~
492 ~~annex an area located in a county of the first class if:]~~
493 ~~[(a) the petition contains the signatures of the owners of private real property that:]~~
494 ~~[(i) is located within the area proposed for annexation;]~~
495 ~~[(ii) covers a majority of the private land area within the area proposed for annexation;~~
496 ~~and]~~
497 ~~[(iii) is equal in value to at least 1/2 of the value of all private real property within the~~
498 ~~area proposed for annexation;]~~
499 ~~[(b) the population in the area proposed for annexation does not exceed 10% of the~~
500 ~~population of the proposed annexing municipality;]~~
501 ~~[(c) the property tax rate for municipal services in the area proposed to be annexed is~~
502 ~~higher than the property tax rate of the proposed annexing municipality; and]~~
503 ~~[(d) all annexations by the proposed annexing municipality during the year that the~~
504 ~~petition was filed have not increased the municipality's population by more than 20%.]~~

505 (2) Within ten days after approving an annexation under Subsection (1)(b) of an area
506 that is partly or entirely within a township, the municipal legislative body shall send notice of
507 the approval to the legislative body of the county in which the township is located.

508 Section 7. Section **10-2-408.5** is enacted to read:

509 **10-2-408.5. Annexation of an area within a township -- Withdrawing the area**
510 **from the township.**

511 (1) As used in this section:

512 (a) "Affected township" means a township some or all of which is proposed to be
513 annexed to a municipality through an intra-township annexation.

514 (b) "Committee" means a committee appointed under Subsection (5)(a).

515 (c) "County legislative body" means the legislative body of the county in which an
516 affected township is located.

517 (d) "Intra-township annexation" means an annexation of an area that is partly or
518 entirely within a township.

519 (e) "Municipal legislative body" means the legislative body of the municipality to
520 which an area within an affected township is proposed to be annexed through an intra-township
521 annexation.

522 (f) "Township withdrawal" means:
523 (i) for an intra-township annexation that proposes the annexation of part of the
524 township, the withdrawal of that area from the township; or
525 (ii) for an intra-township annexation that proposes the annexation of the entire
526 township, the dissolution of the township.
527 (2) An intra-township annexation requires:
528 (a) the municipal legislative body's approval of the annexation, as provided in this part;
529 and
530 (b) the approval of the township withdrawal by:
531 (i) the county legislative body; or
532 (ii) the committee as provided in Subsection (5), if the county legislative body does not
533 approve the township withdrawal.
534 (3) (a) No later than 30 days after receiving notice under Subsection 10-2-407(3)(b)(iii)
535 or 10-2-408(2) of the municipal legislative body's approval of a proposed intra-township
536 annexation, the county legislative body shall hold a public hearing on the proposed township
537 withdrawal that meets the requirements of Subsection 17-27a-306(3)(f)(ii).
538 (b) Before holding a public hearing under Subsection (3)(a), the county legislative
539 body shall provide notice that meets the requirements of Subsection 17-27a-306(3)(f)(iii).
540 (c) (i) A public hearing required under Subsection (3)(a) may be combined with:
541 (A) the public hearing required under Subsection 10-2-407(3)(b)(ii), with the
542 municipal legislative body's approval; or
543 (B) the public hearing required under Section 10--2-415, with the boundary
544 commission's approval.
545 (ii) If public hearings are combined under Subsection (3)(c)(i), notice of the combined
546 public hearing shall be given as provided in Subsection (3)(b).
547 (4) (a) No later than 60 days after receiving notice under Subsection 10-2-407(3)(b)(iii)
548 or 10-2-408(2) of the municipal legislative body's approval of a proposed intra-township
549 annexation, the county legislative body shall make and issue a written decision approving or
550 disapproving the township withdrawal.
551 (b) In making its decision under Subsection (4)(a), the county legislative body shall, as
552 applicable, consider the factors listed in Subsection 17-27a-306(3)(g)(ii).

553 (5) (a) (i) If the county legislative body, in its written decision under Subsection (4)(a),
554 disapproves the township withdrawal, a committee shall be appointed consisting of:

555 (A) one elected official, other than a member of the municipal legislative body or the
556 municipality's mayor, appointed by the municipal legislative body:

557 (B) one elected official, other than a member of the county legislative body or the
558 county executive, appointed by the county legislative body; and

559 (C) one person who is:

560 (I) an elected official;

561 (II) a resident of the county in which the township is located; and

562 (III) appointed by the two committee members specified in Subsections (5)(a)(i)(A)
563 and (B).

564 (ii) (A) The municipal legislative body and county legislative body shall each appoint
565 its respective appointee within ten business days after the county legislative body issues its
566 written decision under Subsection (4)(a).

567 (B) The committee members under Subsections (5)(a)(i)(A) and (B) shall, within 20
568 days after their appointment, appoint the remaining member.

569 (b) Committee members shall serve without compensation.

570 (c) At the committee's request, the county shall provide the committee with necessary
571 staff assistance.

572 (d) The committee may, in its discretion and with reasonable advance public notice,
573 hold one or more public hearings on the proposed township withdrawal.

574 (e) In making its decision to approve or disapprove the township withdrawal, the
575 committee may consider the issue of township withdrawal anew without:

576 (i) considering the proceedings before the county legislative body; or

577 (ii) giving the county legislative body's decision any deference.

578 (f) Within 45 days after the appointment of the committee member under Subsection
579 (5)(a)(i)(C), the committee shall make and issue a written decision approving or disapproving
580 the township withdrawal.

581 (6) The municipal legislative body may adopt an ordinance approving the
582 intra-township annexation if:

583 (a) the county legislative body, in its written decision under Subsection (4)(a),

584 approves the township withdrawal; or

585 (b) the committee, in its written decision under Subsection (5)(e), approves the

586 township withdrawal.

587 Section 8. Section **10-2-414** is amended to read:

588 **10-2-414. Modified annexation petition -- Supplemental feasibility study.**

589 (1) (a) (i) If the results of the feasibility study with respect to a proposed annexation of

590 an area located in a county of the first class do not meet the requirements of Subsection

591 10-2-416(3), the sponsors of the annexation petition may, within 45 days of the feasibility

592 consultant's submission of the results of the study, file with the city recorder or town clerk of

593 the proposed annexing municipality a modified annexation petition altering the boundaries of

594 the proposed annexation.

595 (ii) On the date of filing a modified annexation petition under Subsection (1)(a)(i), the

596 sponsors of the annexation petition shall deliver or mail a copy of the modified annexation

597 petition to the clerk of the county in which the area proposed for annexation is located.

598 (b) Each modified annexation petition under Subsection (1)(a) shall comply with the

599 requirements of Subsections 10-2-403~~(2)~~(3), ~~and~~ (4), and (5).

600 (2) (a) Within 20 days of the city recorder or town clerk's receipt of the modified

601 annexation petition, the city recorder or town clerk, as the case may be, shall follow the same

602 procedure for the modified annexation petition as provided under Subsections 10-2-405(2) and

603 (3)(a) for an original annexation petition.

604 (b) If the city recorder or town clerk certifies the modified annexation petition under

605 Subsection 10-2-405(2)(c)(i), the city recorder or town clerk, as the case may be, shall send

606 written notice of the certification to:

607 (i) the commission;

608 (ii) each entity that filed a protest to the annexation petition; and

609 (iii) if a protest was filed under Subsection 10-2-407(1)(a)(ii), the contact person.

610 (c) (i) If the modified annexation petition proposes the annexation of an area that

611 includes part or all of a local district, special service district, or school district that was not

612 included in the area proposed for annexation in the original petition, the city recorder or town

613 clerk, as the case may be, shall also send notice of the certification of the modified annexation

614 petition to the board of the local district, special service district, or school district.

615 (ii) If the area proposed for annexation in the modified annexation petition is within
616 1/2 mile of the boundaries of a municipality whose boundaries were not within 1/2 mile of the
617 area proposed for annexation in the original annexation petition, the city recorder or town
618 clerk, as the case may be, shall also send notice of the certification of the modified annexation
619 petition to the legislative body of that municipality.

620 (3) Within ten days of the commission's receipt of the notice under Subsection (2)(b),
621 the commission shall engage the feasibility consultant that conducted the feasibility study to
622 supplement the feasibility study to take into account the information in the modified
623 annexation petition that was not included in the original annexation petition.

624 (4) The commission shall require the feasibility consultant to complete the
625 supplemental feasibility study and to submit written results of the supplemental study to the
626 commission no later than 30 days after the feasibility consultant is engaged to conduct the
627 supplemental feasibility study.

628 Section 9. Section **17-27a-306** is amended to read:

629 **17-27a-306. Townships.**

630 ~~[(1) (a) (i) Subject to Subsection (1)(a)(ii), a county legislative body may, without~~
631 ~~having received a petition under Subsection (1)(b), enact an ordinance establishing a township~~
632 ~~within the unincorporated county or dividing the unincorporated county into townships.]~~

633 ~~[(ii) Before enacting an ordinance under Subsection (1)(a)(i), the county legislative~~
634 ~~body shall, after providing reasonable advance notice, hold a public hearing on the proposal to~~
635 ~~establish a township or to divide the unincorporated county into townships.]~~

636 ~~[(b) If 25% of the private real property owners in a contiguous area of the~~
637 ~~unincorporated county petition the county legislative body to establish a township for that area,~~
638 ~~the county legislative body shall:]~~

639 ~~[(i) hold a public hearing to discuss the petition;]~~

640 ~~[(ii) at least one week before the public hearing, publish notice of the petition and the~~
641 ~~time, date, and place of the public hearing at least once in a newspaper of general circulation in~~
642 ~~the county; and]~~

643 ~~[(iii) at the public hearing, consider oral and written testimony from the public and vote~~
644 ~~on the question of whether or not to establish a township.]~~

645 ~~[(c) If the county legislative body establishes a township pursuant to a petition, the~~

646 ~~members of the township planning commission shall be appointed as provided in Subsection~~
647 ~~17-27a-301(3)(b) to perform the duties established in this part for the township.]~~

648 (1) (a) A township may be established as provided in this Subsection (1).

649 ~~(b) [(d) Except as provided in Subsection (1)(e), each] A township [shall] may not be~~
650 ~~established unless the area to be included within the proposed township:~~

651 ~~[(i) contain:]~~

652 (i) is unincorporated;

653 (ii) is contiguous; and

654 (iii) (A) contains:

655 ~~[(A)] (I) at least 20% but not more than 80% of:~~

656 ~~[(F)] (Aa) the total private land area in the unincorporated county; or~~

657 ~~[(H)] (Bb) the total value of locally assessed taxable property in the unincorporated~~
658 ~~county; or~~

659 ~~[(B) (F)] (II) (Aa) in a county of the first, second, or third class, at least 5% of the total~~
660 ~~population of the unincorporated county; or~~

661 ~~[(H)] (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total~~
662 ~~population of the unincorporated county; or~~

663 ~~[(H) have] (B) has been declared by the United States Census Bureau as a census~~
664 ~~designated place.~~

665 (c) (i) The process to establish a township is initiated by the filing of a petition with the
666 clerk of the county in which the proposed township is located.

667 (ii) A petition to establish a township may not be filed if it proposes the establishment
668 of a township that includes an area within a proposed township in a petition that has previously
669 been certified under Subsection (1)(f), until after the canvass of an election on the proposed
670 township under Subsection (1)(h).

671 (d) A petition under Subsection (1)(c) to establish a township shall:

672 (i) be signed by the owners of private real property that:

673 (A) is located within the proposed township;

674 (B) covers at least 10% of the total private land area within the proposed township;

675 (C) is equal in value to at least 10% of the value of all private real property within the
676 proposed township;

677 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous
678 area proposed to be established as a township;

679 (iii) indicate the typed or printed name and current residence address of each owner
680 signing the petition;

681 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
682 be designated as the contact sponsor, with the mailing address and telephone number of each
683 petition sponsor;

684 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
685 petition for purposes of the petition; and

686 (vi) request the county legislative body to provide notice of the petition and of a public
687 hearing, hold a public hearing, and conduct an election on the proposal to establish a township.

688 (e) Subsection 10-2-101(3) applies to a petition to establish a township to the same
689 extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1, Incorporation.

690 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing
691 the establishment of a township in a county of the first or second class, the county clerk shall
692 provide notice of the filing of the petition to:

693 (A) each owner of real property owning more than 1% of the assessed value of all real
694 property within the proposed township; and

695 (B) each owner of real property owning more than 850 acres of real property within the
696 proposed township.

697 (ii) A property owner may exclude all or part of the property owner's property from a
698 proposed township in a county of the first or second class:

699 (A) if:

700 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all
701 property within the proposed township;

702 (Iii) the property is nonurban; and

703 (IIIiii) the property does not or will not require municipal provision of municipal-type
704 services; or

705 (Bb) the property owner owns more than 850 acres of real property within the proposed
706 township; and

707 (II) exclusion of the property will not leave within the township an island of property

708 that is not part of the township; and

709 (B) by filing a notice of exclusion within ten days after receiving the clerk's notice
710 under Subsection (1)(f)(i).

711 (iii) (A) The county legislative body shall exclude from the proposed township the
712 property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if the
713 property meets the applicable requirements of Subsection (1)(f)(ii)(A).

714 (B) If the county legislative body excludes property from a proposed township under
715 Subsection (1)(f)(iii), the county legislative body shall, within five days after the exclusion,
716 send written notice of its action to the contact sponsor.

717 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
718 clerk shall:

719 (A) with the assistance of other county officers from whom the clerk requests
720 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);
721 and

722 (B) (I) if the clerk determines that the petition complies with the requirements of
723 Subsection (1)(d):

724 (Aa) certify the petition and deliver the certified petition to the county legislative body;
725 and

726 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

727 (II) if the clerk determines that the petition fails to comply with any of the requirements
728 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the
729 rejection and the reasons for the rejection.

730 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition
731 may be amended to correct the deficiencies for which it was rejected and then refiled with the
732 county clerk.

733 (h) (i) Within 90 days after a petition to establish a township is certified, the county
734 legislative body shall hold a public hearing on the proposal to establish a township.

735 (ii) A public hearing under Subsection (1)(h)(i) shall be:

736 (A) within the boundary of the proposed township; or

737 (B) if holding a public hearing in that area is not practicable, as close to that area as
738 practicable.

739 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the
 740 county legislative body shall publish notice of the petition and the time, date, and place of the
 741 public hearing at least once in a newspaper of general circulation in the county.

742 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body
 743 shall arrange for the proposal to establish a township to be submitted to voters residing within
 744 the proposed township at the next regular general election that is more than 90 days after the
 745 public hearing.

746 (j) A township is established at the time of the canvass of the results of an election
 747 under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the proposal
 748 to establish a township voted in favor of the proposal.

749 ~~[(e)]~~ (k) (i) ~~[(A)]~~ A township that was dissolved under Laws of Utah 1997, Chapter
 750 389, is reinstated as a township under this part with the same boundaries and name as before
 751 the dissolution, if the former township consisted of a single, contiguous land area.

752 ~~[(B)]~~ (ii) Notwithstanding Subsection (1)~~[(e)]~~(k)(i)~~[(A)]~~, a county legislative body may
 753 enact an ordinance establishing as a township under this part a former township that was
 754 dissolved under Laws of Utah 1997, Chapter 389, even though the former township does not
 755 qualify to be reinstated under Subsection (1)~~[(e)]~~(k)(i)~~[(A)]~~.

756 ~~[(C)]~~ (iii) A township reinstated under Subsection (1)~~[(e)]~~(k)(i)~~[(A)]~~ or established
 757 under Subsection (1)~~[(e)]~~(i)~~(B)~~ shall be (k)(ii) is subject to the provisions of this part.

758 ~~[(ii) Each planning district established under Laws of Utah 1995, Chapter 225, and~~
 759 ~~each township planning district established under Laws of Utah 1997, Chapter 389, shall~~
 760 ~~continue in existence as a township, subject to the provisions of this part.]~~

761 ~~[(f) (i) After May 1, 2002, the legislative body of each county in which a township that~~
 762 ~~has been reconstituted under Laws of Utah 1997, Chapter 389, or reinstated under Subsection~~
 763 ~~(1)(e)(i) is located shall review the township and determine whether its continued existence is~~
 764 ~~advisable.]~~

765 ~~[(ii) In conducting the review required under Subsection (1)(f)(i), the county legislative~~
 766 ~~body shall hold a public hearing with reasonable, advance, published notice of the hearing and~~
 767 ~~the purpose of the hearing.]~~

768 ~~[(iii) Each township that has been reconstituted under Laws of Utah 1997, Chapter 389,~~
 769 ~~or reinstated or established under Subsection (1)(e)(i) and its planning commission shall~~

770 ~~continue in effect, unless, within 90 days after conducting the review and public hearing~~
771 ~~required under Subsections (1)(f)(i) and (ii), the county legislative body by ordinance dissolves~~
772 ~~the township and its planning commission.]~~

773 ~~[(g)]~~ (l) A township established under this section on or after May 5, 1997, may use the
774 word "township" in its name.

775 (2) ~~[(a) If the county legislative body establishes a township without having received a~~
776 ~~petition, the]~~ The county legislative body may:

777 ~~[(i)]~~ (a) assign to the countywide planning commission the duties established in this
778 part that would have been assumed by a township planning commission designated under
779 Subsection (2)~~[(a)(ii)]~~(b); or

780 ~~[(ii)]~~ (b) designate and appoint a planning commission for the township.

781 ~~[(b) (i) If the county legislative body fails to designate a planning commission for a~~
782 ~~township, 40% of the private real property owners in the area proposed to be included in the~~
783 ~~township, as shown by the last county assessment roll, may petition the county legislative body~~
784 ~~to designate and appoint a planning commission for the township.]~~

785 ~~[(ii) If the county legislative body determines that the petition is validly signed by 40%~~
786 ~~of the private real property owners in the township, as shown by the last county assessment~~
787 ~~roll, it shall designate and appoint a planning commission for the township.]~~

788 ~~[(3) (a) Except as provided in Subsection (1)(f)(iii), a county legislative body may~~
789 ~~dissolve township planning commissions created under the authority of this section only by~~
790 ~~following the procedures and requirements of this Subsection (3).]~~

791 ~~[(b) If 20% of the private real property owners in the county petition the county~~
792 ~~legislative body to dissolve township planning commissions and to appoint a countywide~~
793 ~~planning commission, the county legislative body shall:]~~

794 ~~[(i) hold a public hearing to discuss the petition;]~~

795 ~~[(ii) at least one week before the public hearing, publish notice of the petition and the~~
796 ~~time, date, and place of the public hearing at least once in a newspaper of general circulation in~~
797 ~~the county; and]~~

798 ~~[(iii) at the public hearing, consider oral and written testimony from the public and vote~~
799 ~~on the question of whether or not to dissolve township planning commissions and to appoint a~~
800 ~~countywide planning commission.]~~

801 ~~[(c) (i) If the county legislative body fails to dissolve township planning commissions~~
802 ~~and to appoint a countywide planning commission when petitioned to do so by private real~~
803 ~~property owners under this Subsection (3), 40% of private real property owners in the county,~~
804 ~~as shown by the last county assessment roll, may petition the county legislative body to~~
805 ~~dissolve the township planning commissions and to appoint a countywide planning~~
806 ~~commission.]~~

807 ~~[(ii) If the county legislative body determines that the petition is validly signed by 40%~~
808 ~~of private real property owners in the township, as shown by the last county assessment roll, it~~
809 ~~shall dissolve the township planning commissions and appoint a countywide planning~~
810 ~~commission.]~~

811 (3) (a) An area within the boundary of a township may be withdrawn from the
812 township as provided in this Subsection (3).

813 (b) The process to withdraw an area from a township is initiated by the filing of a
814 petition with the clerk of the county in which the township is located.

815 (c) A petition under Subsection (3)(b) shall:

816 (i) be signed by the owners of private real property that:

817 (A) is located within the area proposed to be withdrawn from the township;

818 (B) covers at least 50% of the total private land area within the area proposed to be
819 withdrawn from the township; and

820 (C) is equal in value to at least 33% of the value of all private real property within the
821 area proposed to be withdrawn from the township;

822 (ii) state the reason or reasons for the proposed withdrawal;

823 (iii) be accompanied by an accurate plat or map showing the boundary of the
824 contiguous area proposed to be withdrawn from the township;

825 (iv) indicate the typed or printed name and current residence address of each owner
826 signing the petition;

827 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
828 be designated as the contact sponsor, with the mailing address and telephone number of each
829 petition sponsor;

830 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
831 petition for purposes of the petition; and

832 (vii) request the county legislative body to withdraw the area from the township.

833 (d) Subsection 10-2-101(3) applies to a petition to withdraw an area from a township to
834 the same extent as if it were an incorporation petition under Title 10, Chapter 2, Part 1,
835 Incorporation.

836 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
837 clerk shall:

838 (A) with the assistance of other county officers from whom the clerk requests
839 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
840 and

841 (B) (I) if the clerk determines that the petition complies with the requirements of
842 Subsection (3)(c):

843 (Aa) certify the petition and deliver the certified petition to the county legislative body;
844 and

845 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

846 (II) if the clerk determines that the petition fails to comply with any of the requirements
847 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection
848 and the reasons for the rejection.

849 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
850 may be amended to correct the deficiencies for which it was rejected and then refiled with the
851 county clerk.

852 (f) (i) Within 60 days after a petition to withdraw an area from a township is certified,
853 the county legislative body shall hold a public hearing on the proposal to withdraw the area
854 from the township.

855 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

856 (A) within the area proposed to be withdrawn from the township; or

857 (B) if holding a public hearing in that area is not practicable, as close to that area as
858 practicable.

859 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
860 body shall:

861 (A) publish notice of the petition and the time, date, and place of the public hearing at
862 least once a week for three consecutive weeks in a newspaper of general circulation in the

863 township; and

864 (B) mail a notice of the petition and the time, date, and place of the public hearing to
865 each owner of private real property within the area proposed to be withdrawn.

866 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county
867 legislative body shall make a written decision on the proposal to withdraw the area from the
868 township.

869 (ii) In making its decision as to whether to withdraw the area from the township, the
870 county legislative body shall consider:

871 (A) whether the withdrawal would leave the remaining township in a situation where
872 the future incorporation of an area within the township or the annexation of an area within the
873 township to an adjoining municipality would be economically or practically not feasible;

874 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn
875 area:

876 (I) whether the proposed subsequent incorporation or withdrawal:

877 (Aa) will leave or create an unincorporated island or peninsula; or

878 (Bb) will leave the county with an area within its unincorporated area for which the
879 cost, requirements, or other burdens of providing municipal services would materially increase
880 over previous years; and

881 (II) whether the municipality to be created or the municipality into which the
882 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
883 providing service to the withdrawn area that the county will no longer provide due to the
884 incorporation or annexation;

885 (C) the effects of a withdrawal on adjoining property owners, existing or projected
886 county streets or other public improvements, law enforcement, and zoning and other municipal
887 services provided by the county; and

888 (D) whether justice and equity favor the withdrawal.

889 (h) Upon the written decision of the county legislative body approving the withdrawal
890 of an area from a township, the area is withdrawn from the township and the township
891 continues as a township with a boundary that excludes the withdrawn area.

892 (4) (a) A township may be dissolved as provided in this Subsection (4).

893 (b) The process to dissolve a township is initiated by the filing of a petition with the

894 clerk of the county in which the township is located.

895 (c) A petition under Subsection (4)(b) shall:

896 (i) be signed by registered voters within the township equal in number to at least 25%
897 of all votes cast by voters within the township at the last congressional election;

898 (ii) state the reason or reasons for the proposed dissolution;

899 (iii) indicate the typed or printed name and current residence address of each person
900 signing the petition;

901 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
902 be designated as the contact sponsor, with the mailing address and telephone number of each
903 petition sponsor;

904 (v) authorize the petition sponsors to act on behalf of all persons signing the petition
905 for purposes of the petition; and

906 (vi) request the county legislative body to provide notice of the petition and of a public
907 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the
908 township.

909 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county
910 clerk shall:

911 (A) with the assistance of other county officers from whom the clerk requests
912 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);
913 and

914 (B) (I) if the clerk determines that the petition complies with the requirements of
915 Subsection (4)(c):

916 (Aa) certify the petition and deliver the certified petition to the county legislative body;
917 and

918 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

919 (II) if the clerk determines that the petition fails to comply with any of the requirements
920 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection
921 and the reasons for the rejection.

922 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
923 may be amended to correct the deficiencies for which it was rejected and then refiled with the
924 county clerk.

925 (e) (i) Within 60 days after a petition to dissolve the township is certified, the county
926 legislative body shall hold a public hearing on the proposal to dissolve the township.

927 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

928 (A) within the boundary of the township; or

929 (B) if holding a public hearing in that area is not practicable, as close to that area as
930 practicable.

931 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
932 body shall publish notice of the petition and the time, date, and place of the public hearing at
933 least once a week for three consecutive weeks in a newspaper of general circulation in the
934 township.

935 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
936 shall arrange for the proposal to dissolve the township to be submitted to voters residing within
937 the township at the next regular general election that is more than 90 days after the public
938 hearing.

939 (g) A township is dissolved at the time of the canvass of the results of an election under
940 Subsection (4)(f) if the canvass indicates that a majority of voters voting on the proposal to
941 dissolve the township voted in favor of the proposal.

942 Section 10. Section **63I-2-210** is amended to read:

943 **63I-2-210. Repeal dates -- Title 10.**

944 [~~(1)~~ Section 10-2-427 is repealed July 1, 2010.]

945 [~~(2)~~] Subsection 10-9a-305(2) is repealed July 1, 2013.

946 Section 11. **Repealer.**

947 This bill repeals:

948 Section **10-2-427, Annexation involving township -- Special election in township --**
949 **Approval by township planning commission.**

S.B. 73 1st Sub. (Green) - Unincorporated Areas Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
