

**Senator Lincoln Fillmore** proposes the following substitute bill:

**URBAN DEVELOPMENT AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Candice B. Pierucci**

Senate Sponsor: Lincoln Fillmore

|   |                       |                 |                |
|---|-----------------------|-----------------|----------------|
| 6 | Cosponsors:           | Kim F. Coleman  | Mark A. Strong |
| 7 | Cheryl K. Acton       | Susan Pulsipher |                |
|   | Steve R. Christiansen |                 |                |

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**LONG TITLE**

**General Description:**

This bill amends provisions related to urban development.

**Highlighted Provisions:**

This bill:

- ▶ defines expansion area urban development; and
- ▶ requires any county that proposes expansion area urban development to provide notice to a city or town.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-2-402**, as last amended by Laws of Utah 2019, Chapter 498



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*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) annexation will not leave or create an unincorporated island or unincorporated peninsula:

(A) except as provided in Subsection [10-2-418\(3\)](#); or

(B) unless the county and municipality have otherwise agreed; 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) (a) 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](#).

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

(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) (a) As used in this subsection, "expansion area urban development" means:

(i) for a specified county, urban development within a city or town's expansion area; or

(ii) for a county of the first class, urban development within a city or town's expansion area that:

55 (A) consists of 50 or more acres;

56 (B) requires the county to change the zoning designation of the land on which the  
 57 urban development is located ~~Ŝ→ [or a zoning regulation affecting the land on which the urban~~  
 58 ~~development is located]~~ ~~←Ŝ~~ ; and

59 (C) does not include commercial or industrial development that is located within a  
 60 mining protection area as defined in Section 17-41-101, regardless of whether the commercial  
 61 or industrial development is for a mining use as defined in Section 17-41-101.

62 ~~[(5)]~~ (b) ~~[The legislative body of a specified county]~~ A county legislative body may not  
 63 approve expansion area urban development ~~[within a municipality's expansion area]~~ unless:

64 ~~[(a)]~~ (i) the county notifies the ~~[municipality]~~ city or town of the proposed  
 65 development; and

66 ~~[(b)(i)]~~ (ii) (A) the ~~[municipality]~~ city or town consents in writing to the development;

67 ~~Ŝ→ [or]~~ ~~←Ŝ~~

68 ~~[(ii)(A)]~~ (B) within 90 days after the county's notification of the proposed  
 69 development, the ~~[municipality]~~ city or town submits to the county a written objection to the  
 70 county's approval of the proposed development~~[-; and (B)]~~ and the county responds in writing to  
 71 the ~~[municipality's objections]~~ city or town's objection ~~Ŝ→ [-]~~ ; or

71a **(C) the city or town fails to respond to the county's notification of the proposed development**  
 71b **within 90 days after the day on which the county provides the notice.** ~~←Ŝ~~

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

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

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

83 (b) A municipality may not annex an unincorporated area within 5,000 feet of the  
 84 center line of any runway of an airport operated or to be constructed and operated by another  
 85 municipality unless the legislative body of the other municipality adopts a resolution

86 consenting to the annexation.

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

91 (8) (a) As used in this subsection, "project area" means a project area as defined in  
92 Section 63H-1-102 that is in a project area plan as defined in Section 63H-1-102 adopted by  
93 the Military Installation Development Authority under Title 63H, Chapter 1, Military  
94 Installation Development Authority Act.

95 (b) A municipality may not annex an unincorporated area located within a project area  
96 without the authority's approval.

97 (c) (i) Except as provided in Subsection (8)(c)(ii), the Military Installation  
98 Development Authority may petition for annexation of the following areas to a municipality as  
99 if it was the sole private property owner within the area:

100 (A) an area within a project area;

101 (B) an area that is contiguous to a project area and within the boundaries of a military  
102 installation;

103 (C) an area owned by the Military Installation Development Authority; and

104 (D) an area that is contiguous to an area owned by the Military Installation  
105 Development Authority that the Military Installation Development Authority plans to add to an  
106 existing project area.

107 (ii) If any portion of an area annexed under a petition for annexation filed by the  
108 Military Installation Development Authority is located in a specified county:

109 (A) the annexation process shall follow the requirements for a specified county; and

110 (B) the provisions of Subsection 10-2-402(6) do not apply.