

MUNICIPAL ANNEXATION REVISIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

Senate Sponsor: Kirk A. Cullimore

LONG TITLE**General Description:**

This bill modifies provisions related to municipal annexation.

Highlighted Provisions:

This bill:

- ▶ allows a municipality to annex certain unincorporated areas that are not otherwise subject to annexation under specified circumstances.

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

*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]~~ Except as provided in Subsection (1)(c), 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.

(c) A municipality may annex an unincorporated area within a specified county that does not meet the requirements of Subsection (1)(b), leaving or creating an unincorporated island or unincorporated peninsula, if:

(i) the area is within the annexing municipality's expansion area;

(ii) the specified county in which the area is located and the annexing municipality agree to the annexation;

(iii) the area is not within the area of another municipality's annexation policy plan, unless the other municipality agrees to the annexation; and

(iv) the annexation is for the purpose of providing municipal services to the 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) The legislative body of a specified county may not approve urban development

59 within a municipality's expansion area unless:

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

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

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

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

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

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

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

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

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

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

89 (b) A municipality may not annex an unincorporated area located within a project area

without the authority's approval.

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

(A) an area within a project area;

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

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

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

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

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

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