

MUNICIPAL ANNEXATION AMENDMENTS

2020 FIFTH SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: David G. Buxton

House Sponsor: Steve Waldrip

LONG TITLE

General Description:

This bill amends provisions related to municipal annexation.

Highlighted Provisions:

This bill:

- ▶ allows a person to file a notice of intent to file a petition for annexation within a certain time period;
- ▶ clarifies the applicability of certain limitations regarding the annexation of an area proposed for incorporation; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

10-2-401.5, as enacted by Laws of Utah 2001, Chapter 206

10-2-402, as last amended by Laws of Utah 2020, Chapters 113 and 208

10-2-403, as last amended by Laws of Utah 2020, Chapter 139

10-2-418, as last amended by Laws of Utah 2020, Chapters 139 and 208

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

29 Section 1. Section **10-2-401.5** is amended to read:

30 **10-2-401.5. Annexation policy plan.**

31 (1) After December 31, 2002, no municipality may annex an unincorporated area
32 located within a specified county unless the municipality has adopted an annexation policy plan
33 as provided in this section.

34 (2) To adopt an annexation policy plan:

35 (a) the planning commission shall:

36 (i) prepare a proposed annexation policy plan that complies with Subsection (3);

37 (ii) hold a public meeting to allow affected entities to examine the proposed annexation
38 policy plan and to provide input on it;

39 (iii) provide notice of the public meeting under Subsection (2)(a)(ii) to each affected
40 entity at least 14 days before the meeting;

41 (iv) accept and consider any additional written comments from affected entities until
42 10 days after the public meeting under Subsection (2)(a)(ii);

43 (v) before holding the public hearing required under Subsection (2)(a)(vi), make any
44 modifications to the proposed annexation policy plan the planning commission considers
45 appropriate, based on input provided at or within 10 days after the public meeting under
46 Subsection (2)(a)(ii);

47 (vi) hold a public hearing on the proposed annexation policy plan;

48 (vii) provide reasonable public notice, including notice to each affected entity, of the
49 public hearing required under Subsection (2)(a)(vi) at least 14 days before the date of the
50 hearing;

51 (viii) make any modifications to the proposed annexation policy plan the planning
52 commission considers appropriate, based on public input provided at the public hearing; and

53 (ix) submit its recommended annexation policy plan to the municipal legislative body;

54 and

55 (b) the municipal legislative body shall:

56 (i) hold a public hearing on the annexation policy plan recommended by the planning
57 commission;

58 (ii) provide reasonable notice, including notice to each affected entity, of the public
59 hearing at least 14 days before the date of the hearing;

60 (iii) after the public hearing under Subsection (2)(b)(ii), make any modifications to the
61 recommended annexation policy plan that the legislative body considers appropriate; and

62 (iv) adopt the recommended annexation policy plan, with or without modifications.

63 (3) Each annexation policy plan shall include:

64 (a) a map of the expansion area which may include territory located outside the county
65 in which the municipality is located;

66 (b) a statement of the specific criteria that will guide the municipality's decision
67 whether or not to grant future annexation petitions, addressing matters relevant to those criteria
68 including:

69 (i) the character of the community;

70 (ii) the need for municipal services in developed and undeveloped unincorporated
71 areas;

72 (iii) the municipality's plans for extension of municipal services;

73 (iv) how the services will be financed;

74 (v) an estimate of the tax consequences to residents both currently within the municipal
75 boundaries and in the expansion area; and

76 (vi) the interests of all affected entities;

77 (c) justification for excluding from the expansion area any area containing urban
78 development within 1/2 mile of the municipality's boundary; and

79 (d) a statement addressing any comments made by affected entities at or within 10 days
80 after the public meeting under Subsection (2)(a)(ii).

81 (4) In developing, considering, and adopting an annexation policy plan, the planning
82 commission and municipal legislative body shall:

83 (a) attempt to avoid gaps between or overlaps with the expansion areas of other
84 municipalities;

85 (b) consider population growth projections for the municipality and adjoining areas for
86 the next 20 years;

87 (c) consider current and projected costs of infrastructure, urban services, and public
88 facilities necessary:

89 (i) to facilitate full development of the area within the municipality; and

90 (ii) to expand the infrastructure, services, and facilities into the area being considered
91 for inclusion in the expansion area;

92 (d) consider, in conjunction with the municipality's general plan, the need over the next
93 20 years for additional land suitable for residential, commercial, and industrial development;

94 (e) consider the reasons for including agricultural lands, forests, recreational areas, and
95 wildlife management areas in the municipality; and

96 (f) be guided by the principles set forth in Subsection 10-2-403~~(5)~~(6).

97 (5) Within 30 days after adopting an annexation policy plan, the municipal legislative
98 body shall submit a copy of the plan to the legislative body of each county in which any of the
99 municipality's expansion area is located.

100 (6) Nothing in this chapter may be construed to prohibit or restrict two or more
101 municipalities in specified counties from negotiating and cooperating with respect to defining
102 each municipality's expansion area under an annexation policy plan.

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

104 **10-2-402. Annexation -- Limitations.**

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

107 (b) Except as provided in Subsection (1)(c), an unincorporated area may not be annexed
108 to a municipality unless:

109 (i) it is a contiguous area;

- 110 (ii) it is contiguous to the municipality;
- 111 (iii) annexation will not leave or create an unincorporated island or unincorporated
- 112 peninsula:
- 113 (A) except as provided in Subsection [10-2-418\(3\)](#) or (4); or
- 114 (B) unless the county and municipality have otherwise agreed; and
- 115 (iv) for an area located in a specified county with respect to an annexation that occurs
- 116 after December 31, 2002, the area is within the proposed annexing municipality's expansion
- 117 area.
- 118 (c) A municipality may annex an unincorporated area within a specified county that
- 119 does not meet the requirements of Subsection (1)(b), leaving or creating an unincorporated
- 120 island or unincorporated peninsula, if:
- 121 (i) the area is within the annexing municipality's expansion area;
- 122 (ii) the specified county in which the area is located and the annexing municipality
- 123 agree to the annexation;
- 124 (iii) the area is not within the area of another municipality's annexation policy plan,
- 125 unless the other municipality agrees to the annexation; and
- 126 (iv) the annexation is for the purpose of providing municipal services to the area.
- 127 (2) Except as provided in Section [10-2-418](#), a municipality may not annex an
- 128 unincorporated area unless a petition under Section [10-2-403](#) is filed requesting annexation.
- 129 (3) (a) An annexation under this part may not include part of a parcel of real property
- 130 and exclude part of that same parcel unless the owner of that parcel has signed the annexation
- 131 petition under Section [10-2-403](#).
- 132 (b) A piece of real property that has more than one parcel number is considered to be a
- 133 single parcel for purposes of Subsection (3)(a) if owned by the same owner.
- 134 (4) A municipality may not annex an unincorporated area in a specified county for the
- 135 sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to
- 136 annex the same or a related area unless the municipality has the ability and intent to benefit the

137 annexed area by providing municipal services to the annexed area.

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

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

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

142 (A) consists of 50 or more acres;

143 (B) requires the county to change the zoning designation of the land on which the
144 urban development is located; and

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

148 (b) A county legislative body may not approve expansion area urban development
149 unless:

150 (i) the county notifies the city or town of the proposed development; and

151 (ii) (A) the city or town consents in writing to the development;

152 (B) within 90 days after the county's notification of the proposed development, the city
153 or town submits to the county a written objection to the county's approval of the proposed
154 development and the county responds in writing to the city or town's objection; or

155 (C) the city or town fails to respond to the county's notification of the proposed
156 development within 90 days after the day on which the county provides the notice.

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

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

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

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

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

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

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

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

185 (A) an area within a project area;

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

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

189 (D) an area that is contiguous to an area owned by the Military Installation

190 Development Authority that the Military Installation Development Authority plans to add to an

191 existing project area.

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

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

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

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

197 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

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

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

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

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

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

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

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

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

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

214 (B) send to the proposed annexing municipality a copy of the notice and a certificate
215 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

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

218 (A) a written request to mail the required notice; and
219 (B) payment of an amount equal to the county's expected actual cost of mailing the
220 notice.

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

222 (A) be in writing;

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

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

225 Records show that you own property within an area that is intended to be included in a
226 proposed annexation to (state the name of the proposed annexing municipality) or that is within
227 300 feet of that area. If your property is within the area proposed for annexation, you may be
228 asked to sign a petition supporting the annexation. You may choose whether to sign the
229 petition. By signing the petition, you indicate your support of the proposed annexation. If you
230 sign the petition but later change your mind about supporting the annexation, you may
231 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
232 of (state the name of the proposed annexing municipality) within 30 days after (state the name
233 of the proposed annexing municipality) receives notice that the petition has been certified.

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

239 You may obtain more information on the proposed annexation by contacting (state the
240 name, mailing address, telephone number, and email address of the official or employee of the
241 proposed annexing municipality designated to respond to questions about the proposed
242 annexation), (state the name, mailing address, telephone number, and email address of the
243 county official or employee designated to respond to questions about the proposed annexation),
244 or (state the name, mailing address, telephone number, and email address of the person who

245 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the
246 notice of intent, one of those persons). Once filed, the annexation petition will be available for
247 inspection and copying at the office of (state the name of the proposed annexing municipality)
248 located at (state the address of the municipal offices of the proposed annexing municipality).";
249 and

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

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

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

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

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

260 (a) be filed with the applicable city recorder or town clerk of the proposed annexing
261 municipality;

262 (b) contain the signatures of, if all the real property within the area proposed for
263 annexation is owned by a public entity other than the federal government, the owners of all the
264 publicly owned real property, or the owners of private real property that:

265 (i) is located within the area proposed for annexation;

266 (ii) (A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land area
267 within the area proposed for annexation;

268 (B) covers 100% of rural real property as that term is defined in Section [17B-2a-1107](#)
269 within the area proposed for annexation; and

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

272 Industrial, or Critical Infrastructure Materials Protection Areas, or a migratory bird production
273 area created under Title 23, Chapter 28, Migratory Bird Production Area; and

274 (iii) is equal in value to at least 1/3 of the value of all private real property within the
275 area proposed for annexation;

276 (c) be accompanied by:

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

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

281 (d) if the area proposed to be annexed is located in a county of the first class, contain
282 on each signature page a notice in bold and conspicuous terms that states substantially the
283 following:

284 "Notice:

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

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

292 (e) if the petition proposes the annexation of an area located in a county that is not the
293 county in which the proposed annexing municipality is located, be accompanied by a copy of
294 the resolution, required under Subsection 10-2-402(6), of the legislative body of the county in
295 which the area is located; and

296 (f) designate up to five of the signers of the petition as sponsors, one of whom shall be
297 designated as the contact sponsor, and indicate the mailing address of each sponsor.

298 (4) A petition under Subsection (1) may not propose the annexation of all or part of an

299 area proposed for annexation to a municipality in a previously filed petition that has not been
300 denied, rejected, or granted.

301 (5) (a) [~~A~~] Except as provided in Subsection (5)(b), an annexation petition under
302 Subsection (1) may not propose the annexation of an area that includes some or all of an area
303 proposed to be incorporated in a request for a feasibility study under Section 10-2a-202 if:

304 [~~a~~] (i) the request was filed before the filing of the annexation petition; and
305 [~~b~~] (ii) the request, or a petition under Section 10-2a-208 based on that request, is still
306 pending on the date the annexation petition is filed.

307 (b) Subsection (5)(a) does not apply to an annexation petition if:

308 (i) the annexation petition proposes the annexation of an area included in a notice of
309 intent described in Subsection (5)(c); or

310 (ii) the annexation petition:

311 (A) is filed on or after November 15, 2020; and

312 (B) proposes the annexation of an area located in a county other than the first class.

313 (c) (i) A person intending to file a petition for annexation of an area located in a county
314 other than a first class county may, on or before August 5, 2020, file with the city recorder or
315 town clerk of the proposed annexing municipality a notice of intent to file a petition for
316 annexation.

317 (ii) The notice of intent described in Subsection (5)(c)(i) shall include an accurate map
318 of the area that is proposed to be annexed.

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

321 (a) along the boundaries of existing local districts and special service districts for
322 sewer, water, and other services, along the boundaries of school districts whose boundaries
323 follow city boundaries or school districts adjacent to school districts whose boundaries follow
324 city boundaries, and along the boundaries of other taxing entities;

325 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type

326 services;

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

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

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

330 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the
331 petition to the clerk of the county in which the area proposed for annexation is located.

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

337 Section 4. Section 10-2-418 is amended to read:

338 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
339 **Hearing.**

340 (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in
341 accordance with this section of an area located within a county of the first class,
342 "municipal-type services" does not include a service provided by a municipality pursuant to a
343 contract that the municipality has with another political subdivision as "political subdivision" is
344 defined in Section 17B-1-102.

345 (2) Notwithstanding Subsection 10-2-402(2), a municipality may annex an
346 unincorporated area under this section without an annexation petition if:

347 (a) for an unincorporated area within the expansion area of more than one municipality,
348 each municipality agrees to the annexation; and

349 (b) (i) (A) the area to be annexed consists of one or more unincorporated islands within
350 or unincorporated peninsulas contiguous to the municipality;

351 (B) the majority of each island or peninsula consists of residential or commercial
352 development;

353 (C) the area proposed for annexation requires the delivery of municipal-type services;
354 and

355 (D) the municipality has provided most or all of the municipal-type services to the area
356 for more than one year;

357 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or
358 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800
359 residents; and

360 (B) the municipality has provided one or more municipal-type services to the area for
361 at least one year;

362 (iii) the area consists of:

363 (A) an unincorporated island within or an unincorporated peninsula contiguous to the
364 municipality; and

365 (B) for an area outside of the county of the first class proposed for annexation, no more
366 than 50 acres; or

367 (iv) (A) the area to be annexed consists only of one or more unincorporated islands in a
368 county of the second class;

369 (B) the area to be annexed is located in the expansion area of a municipality; and

370 (C) the county legislative body in which the municipality is located provides notice to
371 each property owner within the area to be annexed that the county legislative body will hold a
372 public hearing, no less than 15 days after the day on which the county legislative body provides
373 the notice, and may make a recommendation of annexation to the municipality whose
374 expansion area includes the area to be annexed after the public hearing.

375 (3) Notwithstanding Subsection [10-2-402\(1\)\(b\)\(iii\)](#), (2)₂ or (6), a municipality may
376 annex an unincorporated area without an annexation petition or the consent of the county in
377 which the area proposed for annexation is located, if:

378 (a) the area proposed for annexation:

379 (i) is located within a specified county;

380 (ii) includes private real property that is located within a county that is not the county
381 in which the proposed annexing municipality is located;

382 (iii) includes real property that is:

383 (A) owned by a public entity; and

384 (B) located in the county in which the proposed annexing municipality is located; and

385 (iv) does not include urban development;

386 (b) any portion of the private real property described in Subsection (3)(a)(ii) is located
387 within two miles of the proposed annexing municipality's boundary; and

388 (c) each owner of private real property within the area proposed for annexation
389 consents in writing to the proposed annexation.

390 (4) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a
391 portion of an unincorporated island or unincorporated peninsula under this section, leaving
392 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

393 (a) in adopting the resolution under Subsection (6)(a) the municipal legislative body
394 determines that not annexing the entire unincorporated island or unincorporated peninsula is in
395 the municipality's best interest; and

396 (b) for an annexation of one or more unincorporated islands under Subsection (2)(b),
397 the entire island of unincorporated area, of which a portion is being annexed, complies with the
398 requirement of Subsection (2)(b)(ii) relating to the number of residents.

399 (5) (a) This subsection applies only to an annexation within a county of the first class.

400 (b) A county of the first class shall agree to an annexation if the majority of private
401 property owners within the area to be annexed give written consent to the annexation, in
402 accordance with Subsection (5)(d), to the recorder of the annexing municipality.

403 (c) For purposes of Subsection (5)(b), the majority of private property owners is
404 property owners who own:

405 (i) the majority of the total private land area within the area proposed for annexation;

406 and

407 (ii) private real property equal to at least [~~one-half~~] 1/2 the value of private real
408 property within the area proposed for annexation.

409 (d) A property owner consenting to annexation shall indicate the property owner's
410 consent on a form which includes language in substantially the following form:

411 "Notice: If this written consent is used to proceed with an annexation of your property
412 in accordance with Utah Code Section 10-2-418, no public election is required by law to
413 approve the annexation. If you sign this consent and later decide you do not want to support
414 the annexation of your property, you may withdraw your signature by submitting a signed,
415 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you
416 choose to withdraw your signature, you must do so no later than the close of the public hearing
417 on the annexation conducted in accordance with Utah Code Subsection 10-2-418(5)(d).".

418 (e) A private property owner may withdraw the property owner's signature indicating
419 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the
420 close of the public hearing held in accordance with Subsection (6)(b).

421 (6) The legislative body of each municipality intending to annex an area under this
422 section shall:

423 (a) adopt a resolution indicating the municipal legislative body's intent to annex the
424 area, describing the area proposed to be annexed; and

425 (b) hold a public hearing on the proposed annexation no earlier than 30 days after the
426 adoption of the resolution described in Subsection (6)(a).

427 (7) A legislative body described in Subsection (6) shall publish notice of a public
428 hearing described in Subsection (6)(b):

429 (a) (i) at least once a week for three successive weeks before the public hearing in a
430 newspaper of general circulation within the municipality and the area proposed for annexation;

431 (ii) if there is no newspaper of general circulation in the combined area described in
432 Subsection (7)(a)(i), at least three weeks before the day of the public hearing, by posting one
433 notice, and at least one additional notice per 2,000 population in the combined area, in places

434 within the combined area that are most likely to give notice to the residents within, and the
435 owners of real property located within, the combined area; or

436 (iii) at least three weeks before the day of the public hearing, by mailing notice to each
437 residence within, and each owner of real property located within, the combined area described
438 in Subsection (7)(a)(i);

439 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks
440 before the day of the public hearing;

441 (c) in accordance with Section 45-1-101, for three weeks before the day of the public
442 hearing;

443 (d) by sending written notice to:

444 (i) the board of each local district and special service district whose boundaries contain
445 some or all of the area proposed for annexation; and

446 (ii) the legislative body of the county in which the area proposed for annexation is
447 located; and

448 (e) if the municipality has a website, on the municipality's website for three weeks
449 before the day of the public hearing.

450 (8) The legislative body of the annexing municipality shall ensure that:

451 (a) each notice described in Subsection (7):

452 (i) states that the municipal legislative body has adopted a resolution indicating the
453 municipality's intent to annex the area proposed for annexation;

454 (ii) states the date, time, and place of the public hearing described in Subsection (6)(b);

455 (iii) describes the area proposed for annexation; and

456 (iv) except for an annexation that meets the requirements of Subsection (9)(b) or (c),
457 states in conspicuous and plain terms that the municipal legislative body will annex the area
458 unless, at or before the public hearing described in Subsection (6)(b), written protests to the
459 annexation are filed by the owners of private real property that:

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

461 (B) covers a majority of the total private land area within the entire area proposed for
462 annexation; and

463 (C) is equal in value to at least 1/2 the value of all private real property within the
464 entire area proposed for annexation; and

465 (b) the first publication of the notice described in Subsection (7)(a) occurs within 14
466 days after the day on which the municipal legislative body adopts a resolution under Subsection
467 (6)(a).

468 (9) (a) Except as provided in Subsections (9)(b)(i) and (9)(c)(i), upon conclusion of the
469 public hearing described in Subsection (6)(b), the municipal legislative body may adopt an
470 ordinance approving the annexation of the area proposed for annexation under this section
471 unless, at or before the hearing, written protests to the annexation have been filed with the
472 recorder or clerk of the municipality by the owners of private real property that:

473 (i) is located within the area proposed for annexation;

474 (ii) covers a majority of the total private land area within the entire area proposed for
475 annexation; and

476 (iii) is equal in value to at least 1/2 the value of all private real property within the
477 entire area proposed for annexation.

478 (b) (i) Notwithstanding Subsection (9)(a), upon conclusion of the public hearing
479 described in Subsection (6)(b), a municipality may adopt an ordinance approving the
480 annexation of the area proposed for annexation under this section without allowing or
481 considering protests under Subsection (9)(a) if:

482 (A) the owners of at least 75% of the total private land area within the entire area
483 proposed for annexation, representing at least 75% of the value of the private real property
484 within the entire area proposed for annexation, have consented in writing to the annexation; or

485 (B) the annexation meets the requirements of Subsection (3).

486 (ii) Upon the effective date under Section [10-2-425](#) of an annexation approved by an
487 ordinance adopted under Subsection (9)(b)(i), the area annexed is conclusively presumed to be

488 validly annexed.

489 (c) (i) Notwithstanding Subsection (9)(a), upon conclusion of the public hearing
490 described in Subsection (6)(b), a municipality may adopt an ordinance approving the
491 annexation of an area that the county legislative body proposes for annexation under this
492 section without allowing or considering protests under Subsection (9)(a) if the county
493 legislative body has formally recommended annexation to the annexing municipality and has
494 made a formal finding that:

495 (A) the area to be annexed can be more efficiently served by the municipality than by
496 the county;

497 (B) the area to be annexed is not likely to be naturally annexed by the municipality in
498 the future as the result of urban development;

499 (C) annexation of the area is likely to facilitate the consolidation of overlapping
500 functions of local government; and

501 (D) annexation of the area is likely to result in an equitable distribution of community
502 resources and obligations.

503 (ii) The county legislative body may base the finding required in Subsection
504 (9)(c)(i)(B) on:

505 (A) existing development in the area;

506 (B) natural or other conditions that may limit the future development of the area; or

507 (C) other factors that the county legislative body considers relevant.

508 (iii) A county legislative body may make the recommendation for annexation required
509 in Subsection (9)(c)(i) for only a portion of an unincorporated island if, as a result of
510 information provided at the public hearing, the county legislative body makes a formal finding
511 that it would be equitable to leave a portion of the island unincorporated.

512 (iv) If a county legislative body has made a recommendation of annexation under
513 Subsection (9)(c)(i):

514 (A) the relevant municipality is not required to proceed with the recommended

515 annexation; and

516 (B) if the relevant municipality proceeds with annexation, the municipality shall annex
517 the entire area that the county legislative body recommended for annexation.

518 (v) Upon the effective date under Section 10-2-425 of an annexation approved by an
519 ordinance adopted under Subsection (9)(c)(i), the area annexed is conclusively presumed to be
520 validly annexed.

521 (10) (a) Except as provided in Subsections (9)(b)(i) and (9)(c)(i), if protests are timely
522 filed under Subsection (9)(a), the municipal legislative body may not adopt an ordinance
523 approving the annexation of the area proposed for annexation, and the annexation proceedings
524 under this section shall be considered terminated.

525 (b) Subsection (10)(a) does not prohibit the municipal legislative body from excluding
526 from a proposed annexation under Subsection (2)(b) the property within an unincorporated
527 island regarding which protests have been filed and proceeding under Subsection (4) to annex
528 some or all of the remaining portion of the unincorporated island.

529 **Section 5. Effective date.**

530 If approved by two-thirds of all the members elected to each house, this bill takes effect
531 upon approval by the governor, or the day following the constitutional time limit of Utah
532 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
533 the date of veto override.