

Representative Jordan D. Teuscher proposes the following substitute bill:

COUNTY LAND USE AND DEVELOPMENT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to county land use and development.

Highlighted Provisions:

This bill:

▶ prohibits a county of the first class from entering into a development agreement that requires the incorporation or annexation of an unincorporated area of the county;

▶ moves the county requirements to approve expansion area urban development to Title 17, Counties, and modifies the requirements to:

• allow a municipality located within a first class county to adopt an annexation policy plan for the purpose of receiving county notification of an expansion area urban development;

• modify the definition of "expansion area urban development";

• limit the requirements to a county of the first class;

• modify the requirements for county approval if a municipal legislative body objects to expansion area urban development; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **10-2-401.5**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 15

31 **10-2-402**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 7

32 **10-2-403**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 15

33 **17-27a-102**, as last amended by Laws of Utah 2019, Chapter 384

34 ENACTS:

35 **17-27a-526**, Utah Code Annotated 1953



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

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

39 **10-2-401.5. Annexation policy plan.**

40 (1) (a) [~~After December 31, 2002, no~~] A municipality may not annex an unincorporated
41 area located within a specified county unless the municipality [~~has adopted~~] adopts an
42 annexation policy plan [~~as provided~~] in accordance with this section.

43 (b) A municipality located within a county of the first class may adopt an annexation
44 policy plan in accordance with this section for the purpose of receiving county notification
45 under Section [17-27a-526](#).

46 (2) To adopt an annexation policy plan:

47 (a) the planning commission shall:

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

49 (ii) hold a public meeting to allow affected entities to examine the proposed annexation
50 policy plan and to provide input on [it] the proposed annexation policy plan;

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

53 (iv) accept and consider any additional written comments from affected entities until
54 10 days after the public meeting under Subsection (2)(a)(ii);

55 (v) before holding the public hearing required under Subsection (2)(a)(vi), make any
56 modifications to the proposed annexation policy plan the planning commission considers

57 appropriate, based on input provided at or within 10 days after the public meeting under
58 Subsection (2)(a)(ii);
59 (vi) hold a public hearing on the proposed annexation policy plan;
60 (vii) provide reasonable public notice, including notice to each affected entity, of the
61 public hearing required under Subsection (2)(a)(vi) at least 14 days before the date of the
62 hearing;
63 (viii) make any modifications to the proposed annexation policy plan the planning
64 commission considers appropriate, based on public input provided at the public hearing; and
65 (ix) submit [its] the planning commission's recommended annexation policy plan to the
66 municipal legislative body; and
67 (b) the municipal legislative body shall:
68 (i) hold a public hearing on the annexation policy plan recommended by the planning
69 commission;
70 (ii) provide reasonable notice, including notice to each affected entity, of the public
71 hearing at least 14 days before the date of the hearing;
72 (iii) after the public hearing under Subsection (2)(b)(ii), make any modifications to the
73 recommended annexation policy plan that the legislative body considers appropriate; and
74 (iv) adopt the recommended annexation policy plan, with or without modifications.
75 (3) Each annexation policy plan shall include:
76 (a) a map of the expansion area which may include territory located outside the county
77 in which the municipality is located;
78 (b) a statement of the specific criteria that will guide the municipality's decision
79 whether or not to grant future annexation petitions, addressing matters relevant to those criteria
80 including:
81 (i) the character of the community;
82 (ii) the need for municipal services in developed and undeveloped unincorporated
83 areas;
84 (iii) the municipality's plans for extension of municipal services;
85 (iv) how the services will be financed;
86 (v) an estimate of the tax consequences to residents both currently within the municipal
87 boundaries and in the expansion area; and

88 (vi) the interests of all affected entities;

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

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

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

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

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

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

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

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

104 (d) consider, in conjunction with the municipality's general plan, the need over the next
105 20 years for additional land suitable for residential, commercial, and industrial development;

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

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

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

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

115 Section 2. Section 10-2-402 is amended to read:

116 **10-2-402. Annexation -- Limitations.**

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

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

121 (i) ~~[it]~~ the unincorporated area is a contiguous area;

122 (ii) ~~[it]~~ the unincorporated area is contiguous to the municipality;

123 (iii) annexation will not leave or create an unincorporated island or unincorporated
124 peninsula:

125 (A) except as provided in Subsection 10-2-418(3); or

126 (B) unless the county and municipality have ~~[otherwise]~~ agreed; and

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

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

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

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

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

138 (iv) the annexation is for the purpose of providing municipal services to the area.

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

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

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

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

150 ~~[(5) (a) As used in this subsection, "expansion area urban development" means:]~~

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

152 ~~or]~~

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

155 ~~[(A) consists of 50 or more acres;]~~

156 ~~[(B) requires the county to change the zoning designation of the land on which the~~
157 ~~urban development is located; and]~~

158 ~~[(C) does not include commercial or industrial development that is located within a~~
159 ~~mining protection area as defined in Section 17-41-101, regardless of whether the commercial~~
160 ~~or industrial development is for a mining use as defined in Section 17-41-101.]~~

161 ~~[(b) A county legislative body may not approve expansion area urban development~~
162 ~~unless:]~~

163 ~~[(i) the county notifies the city or town of the proposed development; and]~~

164 ~~[(ii) (A) the city or town consents in writing to the development;]~~

165 ~~[(B) within 90 days after the county's notification of the proposed development, the~~
166 ~~city or town submits to the county a written objection to the county's approval of the proposed~~
167 ~~development and the county responds in writing to the city or town's objection; or]~~

168 ~~[(C) the city or town fails to respond to the county's notification of the proposed~~
169 ~~development within 90 days after the day on which the county provides the notice.]~~

170 ~~[(6)]~~ (5) (a) An annexation petition may not be filed under this part proposing the
171 annexation of an area located in a county that is not the county in which the proposed annexing
172 municipality is located unless the legislative body of the county in which the area is located has
173 adopted a resolution approving the proposed annexation.

174 (b) Each county legislative body that declines to adopt a resolution approving a
175 proposed annexation described in Subsection ~~[(6)]~~ (5)(a) shall provide a written explanation of
176 ~~[its]~~ the county legislative body's reasons for declining to approve the proposed annexation.

177 ~~[(7)]~~ (6) (a) As used in this Subsection ~~[(7)]~~ (6), "airport" means an area that the
178 Federal Aviation Administration has, by a record of decision, approved for the construction or
179 operation of a Class I, II, or III commercial service airport, as designated by the Federal
180 Aviation Administration in 14 C.F.R. Part 139.

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

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

189 [(8)] (7) (a) As used in this subsection, "project area" means a project area as defined in
190 Section 63H-1-102 that is in a project area plan as defined in Section 63H-1-102 adopted by
191 the Military Installation Development Authority under Title 63H, Chapter 1, Military
192 Installation Development Authority Act.

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

195 (c) (i) Except as provided in Subsection [(8)] (7)(c)(ii), the Military Installation
196 Development Authority may petition for annexation of the following areas to a municipality as
197 if [(it)] the Military Installation Development Authority was the sole private property owner
198 within the area:

199 (A) an area within a project area;

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

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

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

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

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

209 (B) the provisions of Subsection 10-2-402[(6)](5) do not apply.

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

211 **10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

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

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

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

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

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

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

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

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

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

228 (B) send to the proposed annexing municipality a copy of the notice and a certificate
229 indicating that the county mailed the notice [~~has been mailed~~] as required under Subsection
230 (2)(b)(i)(A).

231 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20
232 days after [~~receiving~~] the day on which the county received from the person or persons [~~who~~]
233 that filed the notice of intent:

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

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

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

238 (A) be in writing;

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

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

241 Records show that you own property within an area that is intended to be included in a
242 proposed annexation to (state the name of the proposed annexing municipality) or that is within

243 300 feet of that area. If your property is within the area proposed for annexation, you may be
 244 asked to sign a petition supporting the annexation. You may choose whether to sign the
 245 petition. By signing the petition, you indicate your support of the proposed annexation. If you
 246 sign the petition but later change your mind about supporting the annexation, you may
 247 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
 248 of (state the name of the proposed annexing municipality) within 30 days after (state the name
 249 of the proposed annexing municipality) receives notice that the petition has been certified.

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

255 You may obtain more information on the proposed annexation by contacting (state the
 256 name, mailing address, telephone number, and email address of the official or employee of the
 257 proposed annexing municipality designated to respond to questions about the proposed
 258 annexation), (state the name, mailing address, telephone number, and email address of the
 259 county official or employee designated to respond to questions about the proposed annexation),
 260 or (state the name, mailing address, telephone number, and email address of the person who
 261 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the
 262 notice of intent, one of those persons). Once filed, the annexation petition will be available for
 263 inspection and copying at the office of (state the name of the proposed annexing municipality)
 264 located at (state the address of the municipal offices of the proposed annexing municipality).";
 265 and

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

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

269 (c) (i) After receiving the certificate from the county as provided in Subsection
 270 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons
 271 [who] that filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation
 272 petition for the annexation proposed in the notice of intent.

273 (ii) An annexation petition provided by the proposed annexing municipality may be

274 duplicated for circulation for signatures.

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

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

278 (b) [~~contain the signatures of,~~] if all the real property within the area proposed for
279 annexation is owned by a public entity other than the federal government, contain the
280 signatures of the owners of all the publicly owned real property[, ~~or the owners of private real~~
281 ~~property that~~];

282 (c) contain the signatures of the owners of private real property that:

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

284 (ii) (A) subject to Subsection (3)[~~(b)~~](c)(ii)(C), covers a majority of the private land
285 area within the area proposed for annexation;

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

288 (C) covers 100% of the private land area within the area proposed for annexation, if the
289 area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture,
290 Industrial, or Critical Infrastructure Materials Protection Areas, or a migratory bird production
291 area created under Title 23, Chapter 28, Migratory Bird Production Area; and

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

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

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

297 (ii) a copy of the notice sent to affected entities as required under Subsection
298 (2)(a)(i)(B) and a list of the affected entities to which the person or persons intending to file a
299 petition sent the notice [~~was sent~~];

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

303 "Notice:

304 • There will be no public election on the annexation proposed by this petition because

305 Utah law does not provide for an annexation to be approved by voters at a public election.

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

311 [~~(e)~~] (f) if the petition proposes the annexation of an area located in a county that is not
312 the county in which the proposed annexing municipality is located, be accompanied by a copy
313 of the resolution, required under Subsection 10-2-402[~~(6)~~](5), of the legislative body of the
314 county in which the area is located; and

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

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

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

- 323 (i) the request was filed before the filing of the annexation petition; and
- 324 (ii) the request, or a petition under Section 10-2a-208 based on that request, is still
325 pending on the date the annexation petition is filed.

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

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

329 (ii) the annexation petition:

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

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

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

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

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

340 (a) along the boundaries of existing local districts and special service districts for
341 sewer, water, and other services, along the boundaries of school districts whose boundaries
342 follow city boundaries or school districts adjacent to school districts whose boundaries follow
343 city boundaries, and along the boundaries of other taxing entities;

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

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

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

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

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

351 (8) A property owner who signs an annexation petition proposing to annex an area
352 located in a county of the first class may withdraw the owner's signature by filing a written
353 withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30
354 days after the day on which the municipal legislative [body's receipt of] body receives the
355 notice of certification under Subsection 10-2-405(2)(c)(i).

356 Section 4. Section 17-27a-102 is amended to read:

357 **17-27a-102. Purposes -- General land use authority -- Limitations.**

358 (1) (a) The purposes of this chapter are to:

359 (i) provide for the health, safety, and welfare;

360 (ii) promote the prosperity;

361 (iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of
362 each county and each county's present and future inhabitants and businesses;

363 (iv) protect the tax base;

364 (v) secure economy in governmental expenditures;

365 (vi) foster the state's agricultural and other industries;

366 (vii) protect both urban and nonurban development;

367 (viii) protect and ensure access to sunlight for solar energy devices;
368 (ix) provide fundamental fairness in land use regulation;
369 (x) facilitate orderly growth and allow growth in a variety of housing types; and
370 (xi) protect property values.

371 (b) ~~[Fø]~~ Except as provided in Subsection (4), to accomplish the purposes of this
372 chapter, a county may enact all ordinances, resolutions, and rules and may enter into other
373 forms of land use controls and development agreements that the county considers necessary or
374 appropriate for the use and development of land within the unincorporated area of the county or
375 a designated mountainous planning district, including ordinances, resolutions, rules, restrictive
376 covenants, easements, and development agreements governing:

377 (i) uses;
378 (ii) density;
379 (iii) open spaces;
380 (iv) structures;
381 (v) buildings;
382 (vi) energy-efficiency;
383 (vii) light and air;
384 (viii) air quality;
385 (ix) transportation and public or alternative transportation;
386 (x) infrastructure;
387 (xi) street and building orientation and width requirements;
388 (xii) public facilities;
389 (xiii) fundamental fairness in land use regulation; and
390 (xiv) considerations of surrounding land uses to balance the foregoing purposes with a
391 landowner's private property interests and associated statutory and constitutional protections.

392 (2) Each county shall comply with the mandatory provisions of this part before any
393 agreement or contract to provide goods, services, or municipal-type services to any storage
394 facility or transfer facility for high-level nuclear waste, or greater than class C radioactive
395 waste, may be executed or implemented.

396 (3) (a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority
397 under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas

398 activity, as described in Section [40-6-2.5](#).

399 (b) A county may enact an ordinance, resolution, or rule that regulates surface activity
400 incident to an oil and gas activity if the county demonstrates that the regulation:

401 (i) is necessary for the purposes of this chapter;

402 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and

403 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas

404 activity, as described in Section [40-6-2.5](#).

405 (4) A county of the first class may not enter into a development agreement that requires
406 an individual or an entity to initiate a process for:

407 (a) an unincorporated area of the county to incorporate as a municipality in accordance
408 with Title 10, Chapter 2a, Municipal Incorporation; or

409 (b) a municipality to annex an unincorporated area of the county in accordance with
410 Title 10, Chapter 2, Part 4, Annexation, unless the municipality consents in writing.

411 Section 5. Section **17-27a-526** is enacted to read:

412 **17-27a-526. Requirements for county approval of expansion area urban**
413 **development.**

414 (1) As used in this section:

415 (a) "Expansion area" means the same as that term is defined in Section [10-2-401](#).

416 (b) "Expansion area urban development" means urban development in a county of the
417 first class that:

418 (i) is located within a municipality's expansion area;

419 (ii) consists of 50 or more acres;

420 (iii) requires the county to change the zoning designation of the land on which the
421 urban development is located; and

422 (iv) does not include commercial or industrial development that:

423 (A) is located within a mining protection area as defined in Section [17-41-101](#); and

424 (B) is for a mining use, as defined in Section [17-41-101](#), or any other activity

425 associated with or incidental to mining operations.

426 (c) "Urban development" means the same as that term is defined in Section [10-2-401](#).

427 (2) The legislative body of a county of the first class may not approve expansion area
428 urban development unless:

429 (a) the county legislative body sends written notification of the expansion area urban
430 development to the municipal legislative body; and

431 (b) (i) within 90 days after the day on which the county sends the notification described
432 in Subsection (2)(a), the municipal legislative body consents to the expansion area urban
433 development in writing;

434 (ii) (A) within 90 days after the day on which the county legislative body sends the
435 notification described in Subsection (2)(a), the municipal legislative body submits to the county
436 legislative body a written objection to the county legislative body's approval of the expansion
437 area urban development, including the municipal legislative body's reasons for objecting; and

438 (B) the county legislative body overrules the municipal legislative body's objection by
439 an affirmative vote of two-thirds of the county legislative body; or

440 (iii) the municipal legislative body fails to respond to the notification described in
441 Subsection (2)(a) within 90 days after the day on which the county legislative body sends the
442 written notification.