

**MUNICIPAL ANNEXATION REVISIONS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin R. Musselman**

Senate Sponsor: \_\_\_\_\_

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**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

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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]~~ Except as provided in Subsection (1)(c), an unincorporated area may not be



28 annexed to a municipality unless:

29 (i) it is a contiguous area;

30 (ii) it is contiguous to the municipality;

31 (iii) annexation will not leave or create an unincorporated island or unincorporated

32 peninsula:

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

34 (B) unless the county and municipality have otherwise agreed; and

35 (iv) for an area located in a specified county with respect to an annexation that occurs

36 after December 31, 2002, the area is within the proposed annexing municipality's expansion

37 area.

38 (c) A municipality may annex an unincorporated area within a specified county that

39 does not meet the requirements of Subsection (1)(b), leaving or creating an unincorporated

40 island or unincorporated peninsula, if:

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

42 (ii) the specified county in which the area is located and the annexing municipality

43 agree to the annexation;

44 (iii) the area is not within the area of another municipality's annexation policy plan,

45 unless the other municipality agrees to the annexation; and

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

47 (2) Except as provided in Section 10-2-418, a municipality may not annex an

48 unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.

49 (3) (a) An annexation under this part may not include part of a parcel of real property

50 and exclude part of that same parcel unless the owner of that parcel has signed the annexation

51 petition under Section 10-2-403.

52 (b) A piece of real property that has more than one parcel number is considered to be a

53 single parcel for purposes of Subsection (3)(a) if owned by the same owner.

54 (4) A municipality may not annex an unincorporated area in a specified county for the

55 sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to

56 annex the same or a related area unless the municipality has the ability and intent to benefit the

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

58 (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

90 without the authority's approval.

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

94 (A) an area within a project area;

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

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

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

99 Development Authority that the Military Installation Development Authority plans to add to an  
100 existing project area.

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

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

104 (B) the provisions of Subsection [10-2-402\(6\)](#) do not apply.