



# Staff Report

Coalville City  
Community Development Director

To: Coalville City Council and Mayor  
From: Don Sargent, Community Development Director  
Date of Meeting: April 14, 2025  
Re: Robinson (NS) Hill Annexation Petition  
Action: Continued Review, Discussion, Public Hearing, and Consideration of Annexation Petition

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## Robinson (NS) Hill Annexation Petition

### REQUEST

Continue the review, discussion, and conduct a public hearing for approval consideration of the annexation petition.

### BACKGROUND

The annexation petition was filed with the City by Jonathan Shaw representing Pamela Robinson for Parcel NS-424-A including 37.56 acres. *Attachment A* includes the aerial location map showing the annexation area in blue outline. As shown in *Attachment B* the petition area is located within the city annexation declaration boundary and is adjacent to the existing city limit line. *Attachment C* includes the annexation plat of the property.

The property is currently in the Eastern Summit County Ag/Grazing-5 Zone (1 unit/5 acres). The City Future Land Use Map of the General Plan identifies a Residential Agricultural (RA) Zone (1 unit/5 acres) for the property. *Attachment D* includes the City Future Land Use Map for reference.

### City Council Review

On August 12, 2024 the City Council reviewed the annexation petition and tabled an action on accepting the petition until after an open forum was held to receive public input on the City Annexation Declaration Boundary and Policies.

On September 4, 2024 the City Council held an open public forum and presented the city annexation declaration mapping, water and sewer availability, and other general information for comment and input.

On September 9, 2024 the City Council summarized the input received at the public forum, continued the review and discussion of the annexation petition, and determined to accept the petition for moving forward with the required 30-notice protest period.

On October 15, 2024 the City Council reviewed the protests received on the petition and requested additional information be provided by the petitioner for continued review, discussion, and consideration of the annexation petition.

On March 24, 2025 the City Council continued the review of the petition and decided to schedule a public hearing to receive comment and input on the proposed annexation. The council also requested the applicant to prepare an overview of an annexation agreement for evaluation at the public hearing.

## **ANALYSIS**

*Attachment E* includes the overview of an annexation agreement prepared by the petitioner as requested by the City Council. Additional detailed information will need to be addressed for finalization of the agreement for possible approval of the annexation.

The City Council has indicated that zoning of the annexation parcel should be Residential Agricultural (RA) consistent with the City Future Land Use Map. With limited allowed density with larger lots in the RA Zone, sewer and water service has been discussed as possible septic tanks and private wells for the property development.

*Attachment F* includes the proposed roadway access for the property.

*Attachment G* includes the annexation overview and development concept plan for the property as presented by the petitioner at previous council meetings.

### Annexation Petition Review Summary

Section 03-180 of the Development Code require annexations to be consistent with the City Annexation Policy Declaration and the relevant sections of the Utah Code. For reference *Attachment H* includes the city annexation policy declaration and *Attachment I* includes the state code sections.

The next step in the annexation process is a public hearing on the petition for comment and input by the public. Following the public hearing the City Council may approve the annexation (subject to finalization of an annexation agreement), request additional information, or reject the annexation petition.

If the annexation is approved by the City Council, the annexation survey and articles of incorporation will be sent to the Utah State Lt. Gov office for review.

Following the Utah State Lt. Gov office acceptance of the annexation, the petitioner may then proceed with submitting a development application for initial review by the Planning Commission.

## Annexation Petition Evaluation

According to the Development Code and General Plan, the City should evaluate the following criteria for consideration of approval of an annexation petition:

- (a) Compliance with all requirements of appropriate State Code provisions.
- (b) The current and potential population of the area, and the current residential densities.
- (c) Land uses proposed in addition to those presently existing.
- (d) The assessed valuation of the current properties or proposed uses.
- (e) The potential demand for various municipal services, especially those requiring any capital improvements.
- (f) Recommendations or comments from other local government jurisdictions regarding the proposal and potential impact of the annexation.
- (g) An accurate map of the proposed annexation area, in addition to that required by State law, showing the boundary of the area and property ownership lines, the topography of the area and major natural features, easements, drainage channels, steep slopes, ridgelines, wooded areas, wetland areas, or high-water table, etc.
- (h) A statement as to how the proposed area, and/or its potential land uses would contribute to the achievement of the goals, objectives, and policies of the General Plan.
- (i) Identification of any special districts or county departments that are currently providing services. If the proposed area receives services that are to be assumed by the City, a statement should be included indicating that steps can be taken to ensure an effective transition in the delivery of services. A timetable for extending services should be included if the City is unable to provide services immediately.

## **RECOMMENDATION**

Staff recommends the City Council continue the review and discussion of the annexation petition, conduct a public hearing to receive comment and input and consider approving the annexation, request additional information, or reject the petition.

As an alternative action the City Council may provide additional input and direction to the petitioner or staff for further evaluation of the annexation petition at a subsequent meeting.

## **ATTACHMENTS**

- A.** Aerial Map
- B.** City Annexation Declaration Map
- C.** Annexation Plat
- D.** City Future Land Use Map
- E.** Draft Annexation Agreement Overview
- F.** Proposed Roadway Access Plan
- G.** Annexation Overview and Development Concept Plan
- H.** City Annexation Policy Declaration
- I.** State Code Sections



Summit County, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

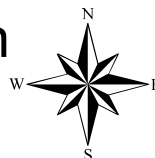


# NS Hill Annexation

Summit County Parcel Viewer Application

Printed on: 6/25/2024

Imagery courtesy of Google





This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, including Summit County which is not responsible for its accuracy or timeliness.

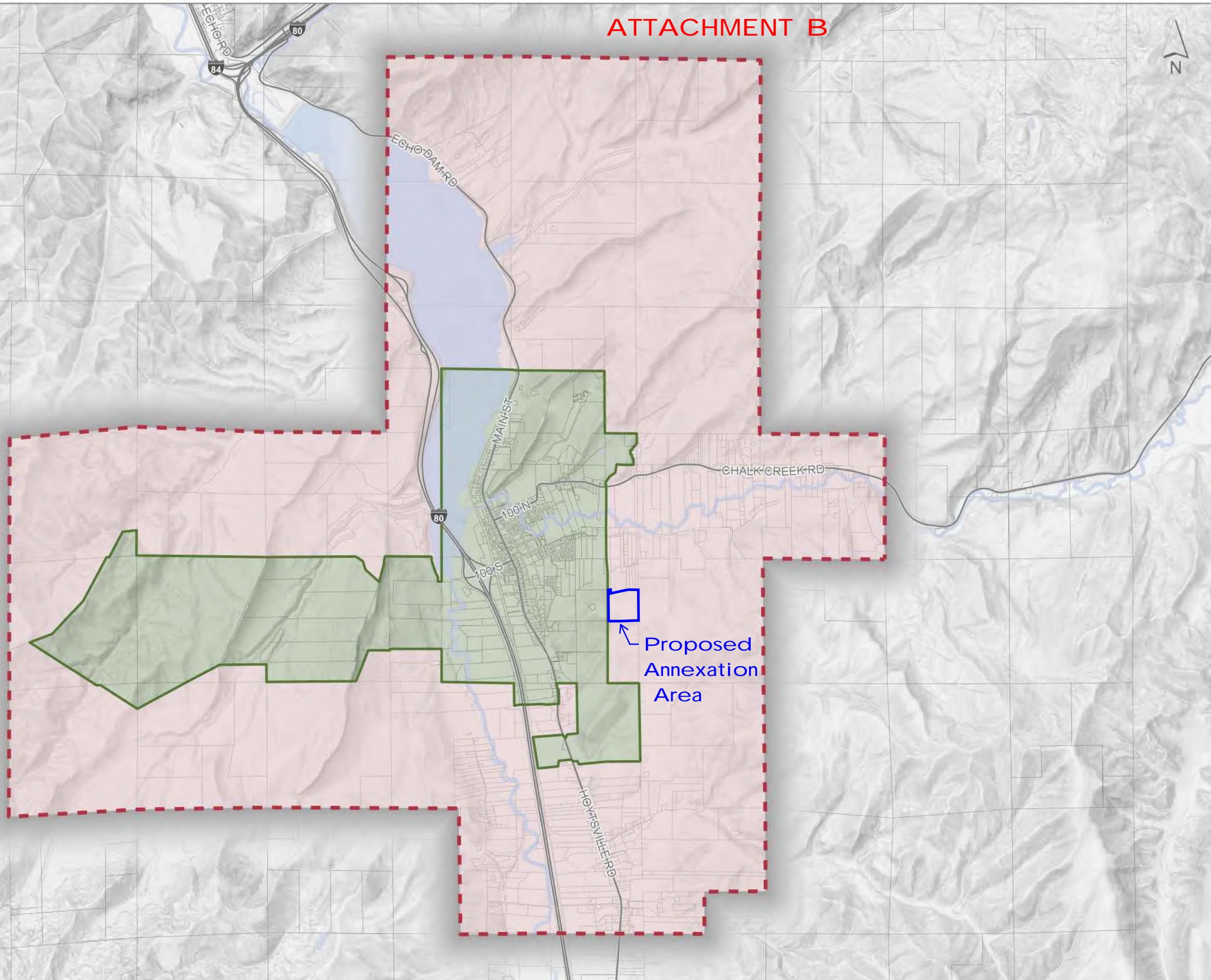
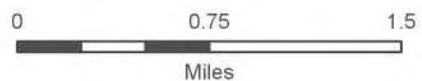
1 in = 752 feet

# Annexation Declaration Boundary

Coalville City, UT

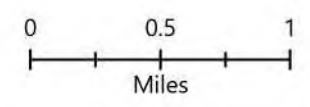
January 2019

-  Annexation Declaration Boundary
-  Coalville City

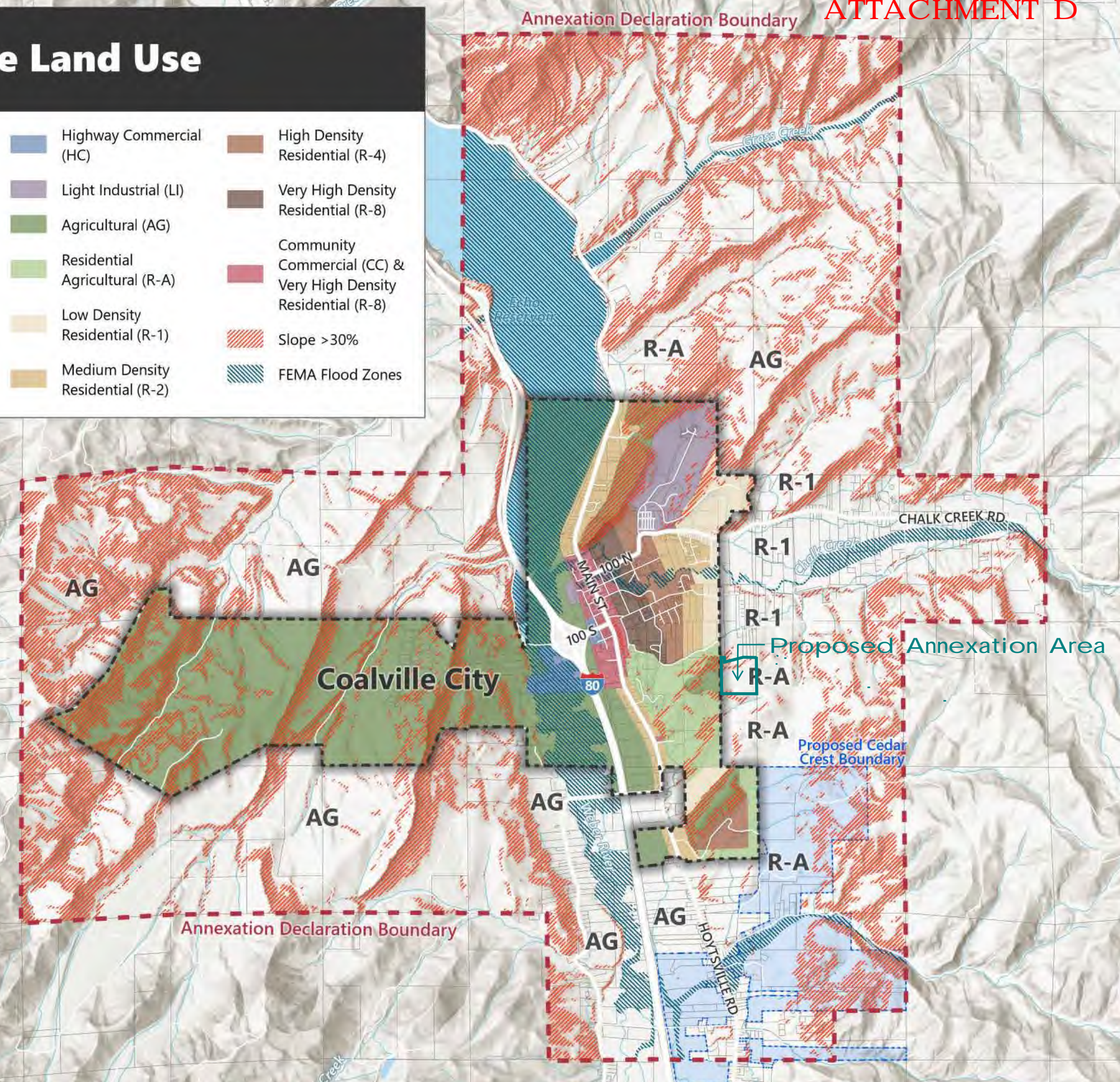




# Future Land Use



- |                                  |   |
|----------------------------------|---|
| Highway Commercial (HC)          | High Density Residential (R-4)                                  |
| Light Industrial (LI)            | Very High Density Residential (R-8)                             |
| Agricultural (AG)                | Slope >30%  |
| Residential Agricultural (R-A)   | FEMA Flood Zones  |
| Low Density Residential (R-1)    | Community Commercial (CC) & Very High Density Residential (R-8) |
| Medium Density Residential (R-2) |   |



# Robinson (NS Hill) Annexation Agreement Overview

## Annexation Overview: Parcel NS-424-A (37.56 acres)

### Annexing from Summit County into Coalville City

#### Project Vision

- Develop smaller, self-sufficient hobby farms (1 acre and up).
- Align with Coalville’s goals of sustainable, responsible growth.
- Maintain a low-density approach—not a high-density development.

#### Key Benefits to Coalville

- **Improved Infrastructure:**
  - Complete & pave the road from Beacon Hills Dr to Sagewood Way for safer school access.
  - Work with property owners to provide two access points for safety and traffic flow.
- **City Revenue & Financial Support:**
  - Estimated \$180,000 in annual tax revenue (excluding impact fees).
  - Potential use of those funds could be to hire 1-2 additional city employees.
- **Community Contribution:**
  - Land donation to Coalville.
  - So the city can invest in infrastructure improvements or other projects that best serve the needs of current and future residents.

#### Utilities & Sustainability

- Working with the city & health department to determine if septic is viable (preferred for self-sufficiency).
- Exploring options for Coalville water system connection or drilling a well.

## **City & Public Support**

- Located within the Annexation Declaration Boundary.
- **Public feedback:** Supportive if done responsibly — we are committed to listening & collaborating.
- Coalville has expressed an appetite for good annexations — this aligns with city plans.
- The city maintains full control through the annexation & development agreements.

## **Next Steps**

- Continue working with the city, health department, and property owners to finalize details.
- Develop a mutually beneficial annexation & development agreement.
- Ensure transparency & community input throughout the process.

This project is about smart, sustainable growth that benefits both new and existing residents. We look forward to working with Coalville to make this a win-win for everyone.

# ATTACHMENT F

▼ Search

Search

ex: 37.407229, -122.107162

Get Directions History

▼ Places

My Places

- ✓ Sightseeing Tour
  - Make sure 3D
  - Buildings
- Untitled Polygon
- ✓ 24N724- Concept...
- ✓ Coalville KML wit...
- ✓ 24N724 KML
  - ✓ kml\_1
  - ✓ Road 1
  - ✓ Road 2
  - ✓ Road 3
  - ✓ Road 4
  - ✓ Road 5
- Temporary Places

▼ Layers

- Primary Database
- Announcements
- ✓ Borders and Labels
- Places
- Photos
- Roads
- 3D Buildings
- Weather
- Gallery
- More
- ✓ Terrain





# ROBINSON HILL PROJECT

# CONTENT

**01**

PROJECT OVERVIEW

**02**

DEVELOPMENT TYPE

**03**

WATER TANKS

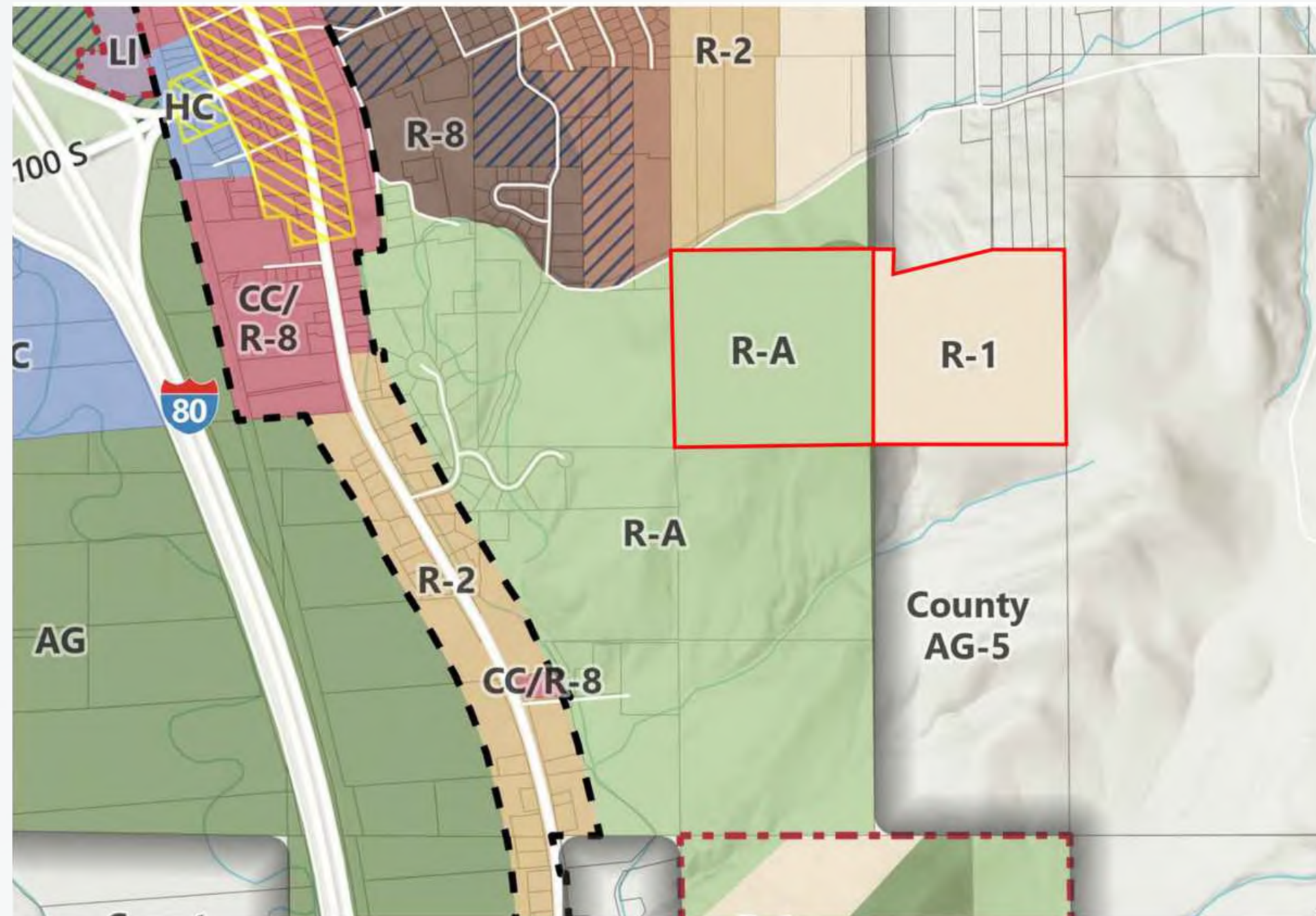
**04**

OTHER CITY USES

**05**

QUESTIONS

# PROJECT OVERVIEW



# DEVELOPMENT TYPE

- **Community Vision:** Development of ranchettes, hobby farms, and self-sufficient homes to create a sustainable living environment.
- **Generous Land Allotments:** Each property will provide ample space for gardening, small-scale farming, and livestock, promoting self-sufficiency.
- **Fostering Community Engagement:** Encouraging a close-knit community where residents can pursue shared interests and cultivate connections.

# WATER TANKS

Donating land valued at approximately \$1.2 million.

Approximately three acres will be donated to the city for two water tank sites.

## LAND

Future space for two one-million-gallon water tanks.

## WATER TANKS

Each tank will provide approximately 1,000 homes with culinary water. They will also provide 2 hours of fire storage for the city.

## FUTURE WATER SOURCE

# OTHER CITY USES

## **SMALL BUSINESSES**

More revenue and employees for local small businesses.

## **ACTIVE COMMUNITY**

Provide access to and expand existing trail system.

## **MORE FUNDING FOR SCHOOLS**

More families lead to higher enrollment, which in turn generates more funding for students.

Estimated \$180,000 a year in revenue from taxes

# QUESTIONS

CORY BERDINNER 801-821-9400  
CoryAndRhonda@kw.com

JONATHAN SHAW 801-628-1084  
JonathanShaw@kw.com



# ATTACHMENT H

ORDINANCE NO. 1995 - 4

## AN ORDINANCE ADOPTING AN ANNEXATION POLICY DECLARATION FOR COALVILLE CITY.

WHEREAS, the State of Utah has enacted legislation which requires municipalities to adopt an Annexation Policy Declaration as a condition precedent to annexing unincorporated territory having more than 5 acres; and

WHEREAS, Coalville City anticipates the probability that it will annex territory adjacent to its boundaries and desires to comply with Utah legislation which requires the adoption of an Annexation Policy Declaration; and

WHEREAS, the Coalville City planning commission has prepared and recommended the adoption of a Policy Declaration with regard to annexation; and

WHEREAS, the Coalville City Council after due notice as required by Section 10-2-414 UCA 1953, as amended, held a public hearing on the proposed adoption of the Policy Declaration and upon completion of the hearing unanimously voted to adopt the Annexation Policy Declaration set forth in this ordinance,

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

### ARTICLE I

### ANNEXATION POLICY

00439884 Br00916 Pe00029-00033  
10-18 G.B. Sections T2N, R5E  
ALAN SPRIGGS, SUMMIT COUNTY RECORDER  
1995 OCT 11 13:25 PM FEE \$1.00 BY DMG  
REQUEST: COALVILLE CITY

The annexation policy declaration of Coalville City is as follows:

Section 1. The City desires to annex that portion of the territory hereinafter described which is not now located within the Coalville City limits. The territory is described as follows:

Beginning at the Northwest corner of Section 4, T 2N R 5E of the SLB&M, and running thence East along the North line of Section 4 and Section 3 to the Northeast corner of said section 3, thence South along the East line of said Section 3 to the Northwest corner of Section 11, thence East along the North line of Section 11 to the NE corner thereof, thence South along the East line of Section 11 to the SE corner thereof, thence West along the South line of said Section 11 to the SW corner thereof, thence South along the East line of Section 15 to the Southeast corner thereof thence West along the South line of Section 15 to the South quarter corner thereof, thence South along the center lines of Sections 22 and 27 to the South quarter corner of said Section 27, thence West along the South lines of Sections 27, 28 and 29 to the South quarter corner of Section 29,

(continued on following page)

thence North along the center line of said Section 29, to the North quarter corner thereof, thence West along the North line of said Section 29 to the Northwest corner thereof, thence North along the East lines of Sections 19 and 18 to the East quarter corner of said Section 18, thence West along the center line of said Section 18 to the center thereof, thence North along the center lines of Sections 18 and 17 to the North quarter corner of said Section 17, thence East along the North line of Section 17 to the Southwest corner of Section 5, thence North along the West line of said section 5 to the Northwest corner thereof, thence East along the North line of Section 5 to the Northwest corner of Section 4 T 2N R 5E SLB&M and the point of beginning.

A map showing the respective locations of the above described territory and of the present City limits is on file with the City as a part of this Annexation Policy Declaration.

Section 2. Where feasible and practicable, the City favors annexation along the boundaries of special service districts. The City also favors a) the elimination of islands and peninsulas of unincorporated territory; b) the consolidation of overlapping functions of local government; c) promoting the efficient delivery of services; and d) encouraging the equitable distribution of community resources and obligations, consistent with the applicable state statutes.

Section 3. The City favors the annexation of all unincorporated areas of Summit County as described in Section 1 which is or may become urban. The City generally does not favor annexation of territory which creates islands or areas of undeveloped and undevelopable territory. However, situations may exist where it is in the public interest to preserve from development certain lands where there exist geologic hazards, excessive slopes, flood plains or the need for preservation of community open space and/or agricultural lands consistent with the Comprehensive Plan. In those circumstances, annexations may occur as a means of retaining those lands in a natural state. In addition, the City does not favor annexation of territory which should be located within another municipality nor does it favor the annexation of unincorporated territory solely for the purpose of acquiring municipal revenues or for retarding the capacity of another municipality to annex. The City does not favor the annexation of territory for which it has no intention to provide or capability of providing municipal services.

Section 4. This annexation policy declaration is intended to and hereby does incorporate by reference all of the standards required and suggested by Title 10, Chapter 2, Part 4. Utah Code Annotated 1953 for municipal policy declarations with regard to annexation.

00439884 Br00916 Pg00030

Section 5. The character of Coalville City is mixed residential, commercial, and industrial uses which attract a

great many visitors throughout the year. The community and the surrounding developments in the unincorporated territory which the City favors annexing, require the delivery of high quality, cost-effective municipal-type services.

**Section 6.** It is recognized that the unincorporated area under consideration for annexation may or may not be presently receiving sewer, fire protection, and public school services by virtue of the major special districts already created. Other services are provided on a rural level from Summit County. The territory which Coalville City annexes shall receive immediately on annexation the urban level of services, consistent with those services normally provided in the rest of the incorporated boundaries.

**Section 7.** The City retains the right to require of any annexing property certain conditions which must be complied with prior to completion of the annexation. These conditions normally will be applied uniformly for each property. Unusual or unique circumstances may emerge from time to time however, in which event special conditions may be applied. Conditions normally shall include but are not necessarily limited to:

- a. Transfer of usable water rights as established by ordinance sufficient to serve a particular project or projects at full development.
- b. Additional improvements as necessary which may be required in order to improve the water system.
- c. Dedication of necessary streets and rights of way consistent with subdivision standards.
- d. Payment of public park land acquisition and development fees.
- e. Provision for moderately priced housing in accordance with guidelines established by the City Council.
- f. Site plan and/or architectural review.
- g. Floodplain management or preservation of environmentally sensitive lands, as and if appropriate.
- h. Phasing of public and private improvements in accordance with plan.
- i. Fees paid in lieu of certain conditions as stated above not being met by the development.
- j. Analysis of the fiscal impacts of the development.

**Section 8.** As part of the establishment of conditions to be required and incorporated into the annexation agreement, the City will determine and approve the appropriate zoning category for the particular property. Consideration will be given to a variety of factors in establishing the best zoning, including but not limited to topography and site conditions, character and extent of development of adjacent properties and neighborhood, availability of municipal services and impact of the development on those services and consistency with the Coalville City Compre-

00439884 Bk00916 Pg00031

hensive Plan. The appropriate zoning will be formally considered by the Planning Commission for recommendation and the City Council for final approval concurrent with the public hearings on the proposed annexation.

**Section 9.** Within 30 days of receipt of a petition for annexation, the City will notify the owner(s) of the nature of the conditions which are deemed appropriate. Public hearings will then be scheduled before the Planning Commission for recommendations and the City Council for final action on the proposed annexation. The special conditions shall be formalized as part of the written annexation agreement. Hearings conducted on the petition and claims taken there on shall be in accordance with all applicable state and local laws, ordinances, regulations.

**Section 10.** It is not anticipated that the annexations will cause adverse tax consequences to residents in Coalville City or in the area annexed except that temporarily there might be a slight reduction in general level of services to the city residents in the present city limits as the general services are expanded into the newly annexed territory. Through proper phasing of annexations and services and sound fiscal management, it is anticipated that the residents in the territory to be annexed will experience an increase in their property tax by the amount of the city's mill levy. It is anticipated that the interests of other local jurisdictions concerned with Coalville City annexations will not be adversely affected.

**Section 11.** This Annexation Policy Declaration shall be reviewed and updated every five years or more frequently should the need arise. At the time of updating, the population and market projections that formed the basis for this Declaration, the progress of the City in annexing, and the experiences of the city with annexations from a cost and revenue standpoint, shall all be considered and evaluated. These findings shall form the basis for any proposed revisions of the Annexation Policy Declaration.


**ARTICLE II**

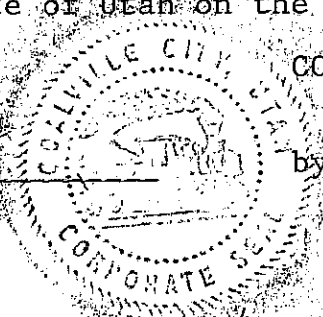
**ORDINANCE IN FORCE**

**Section 1.** This ordinance shall be in full force and effect from and after the date of publication in the Summit County Bee.

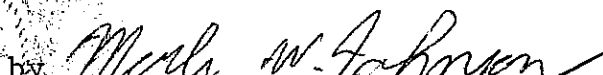
**Section 2.** Passed and adopted by the City Council of Coalville City, State of Utah on the 11th day of September, 1995.

ATTEST:

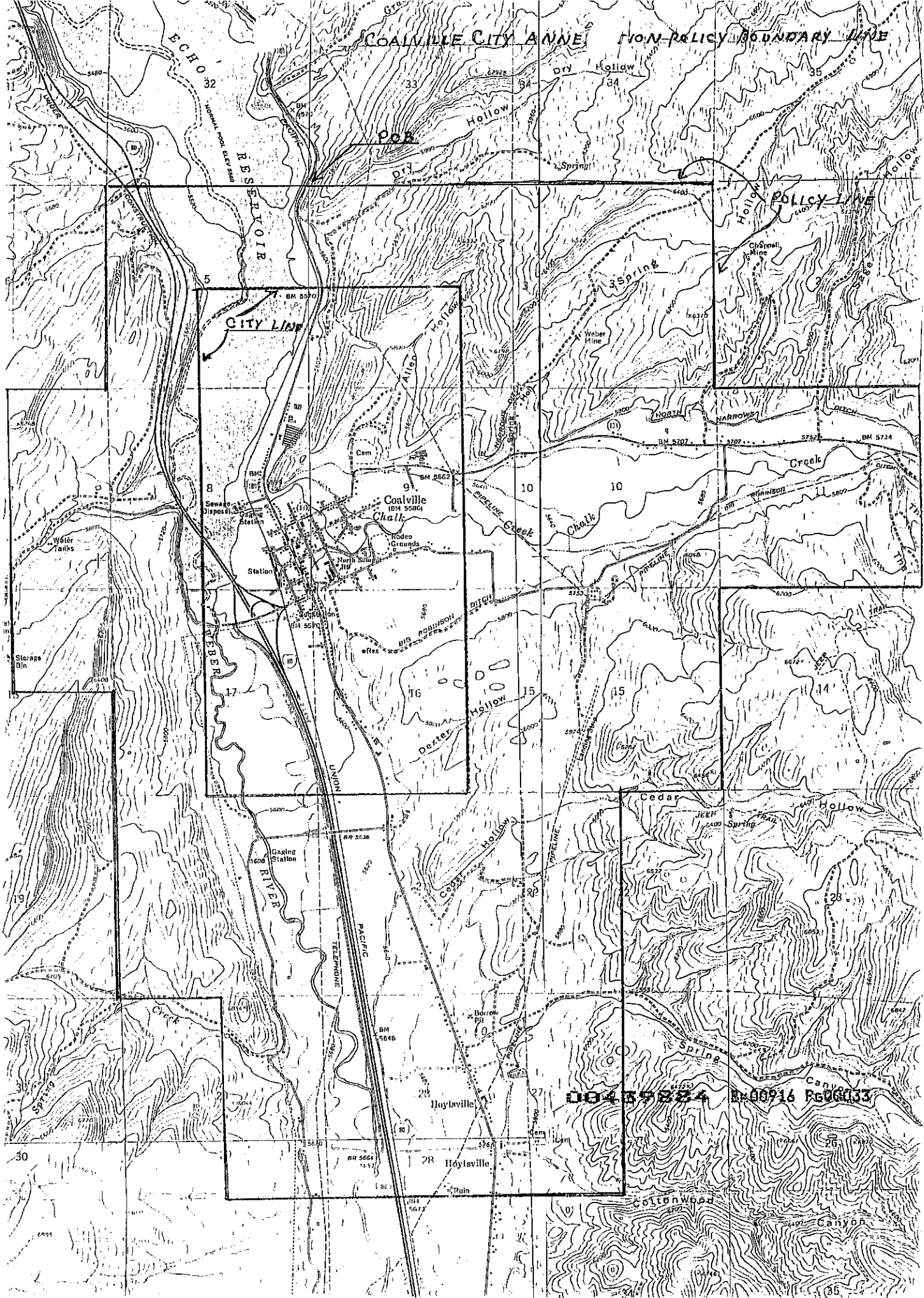
  
City Recorder



COALVILLE CITY

by   
Mayor

00439884 Br00916 Pg00032



**ATTACHMENT I****Effective 5/3/2023****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) Except as provided in Subsection (1)(c), an unincorporated area may not be annexed to a municipality unless:
    - (i) the unincorporated area is a contiguous area;
    - (ii) the unincorporated area 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);
      - (B) except where an unincorporated island or peninsula existed before the annexation, if the annexation will reduce the size of the unincorporated island or peninsula; or
      - (C) unless the county and municipality have otherwise agreed; and
    - (iv) for an area located in a specified county, 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)
  - (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:
      - (A) consists of 50 or more acres;
      - (B) requires the county to change the zoning designation of the land on which the urban development is located; and
      - (C) does not include commercial or industrial development that is located within a mining protection area as defined in Section 17-41-101, regardless of whether the commercial or industrial development is for a mining use as defined in Section 17-41-101.
  - (b) A county legislative body may not approve expansion area urban development unless:

- (i) the county notifies the city or town of the proposed development; and
  - (ii)
    - (A) the city or town consents in writing to the development;
    - (B) within 90 days after the county's notification of the proposed development, the city or town submits to the county a written objection to the county's approval of the proposed development and the county responds in writing to the city or town's objection; or
    - (C) the city or town fails to respond to the county's notification of the proposed development within 90 days after the day on which the county provides the notice.
- (6)
- (a) As used in this Subsection (6), "airport" means an area that the Federal Aviation Administration has, by a record of decision, approved for the construction or operation of a Class I, II, or III commercial service airport, as designated by the Federal Aviation Administration in 14 C.F.R. Part 139.
  - (b) A municipality may not annex an unincorporated area within 5,000 feet of the center line of any runway of an airport operated or to be constructed and operated by another municipality unless the legislative body of the other municipality adopts a resolution consenting to the annexation.
  - (c) A municipality that operates or intends to construct and operate an airport and does not adopt a resolution consenting to the annexation of an area described in Subsection (6)(b) may not deny an annexation petition proposing the annexation of that same area to that municipality.
- (7)
- (a) As used in this Subsection (7), "project area" means a project area as defined in Section 63H-1-102 that is in a project area plan as defined in Section 63H-1-102 adopted by the Military Installation Development Authority under Title 63H, Chapter 1, Military Installation Development Authority Act.
  - (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 (7)(c)(ii), the Military Installation Development Authority may petition for annexation of the following areas to a municipality as if the Military Installation Development Authority 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 Section 10-2-402.5 do not apply.
- (8) A municipality may not annex an unincorporated area if:
- (a) the area is proposed for incorporation in
    - a feasibility study conducted under Section 10-2a-205 or
    - a supplemental feasibility study conducted under Section 10-2a-206; and
  - (b) the county clerk completes the second public hearing on the proposed incorporation under Subsection 10-2a-207(4) .

Amended by Chapter 224, 2023 General Session  
Amended by Chapter 478, 2023 General Session

**Effective 5/1/2024**

**10-2-405 Acceptance or denial of an annexation petition -- Petition certification process -- Modified petition.**

- (1)
    - (a)
      - (i) A municipal legislative body may:
        - (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or
        - (B) accept the petition for further consideration under this part.
      - (ii) A petition shall be considered to have been accepted for further consideration under this part if a municipal legislative body fails to act to deny or accept the petition under Subsection (1)(a)(i):
        - (A) in the case of a city of the first or second class, within 14 days after the filing of the petition; or
        - (B) in the case of a city of the third, fourth, or fifth class or a town, at the next regularly scheduled meeting of the municipal legislative body that is at least 14 days after the date the petition was filed.
    - (b) If a municipal legislative body denies a petition under Subsection (1)(a)(i), it shall, within five days after the denial, mail written notice of the denial to:
      - (i) the contact sponsor; and
      - (ii) the clerk of the county in which the area proposed for annexation is located.
  - (2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i) or is considered to have accepted the petition under Subsection (1)(a)(ii), the city recorder or town clerk, as the case may be, shall, within 30 days after that acceptance:
    - (a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the area proposed for annexation is located the records the city recorder or town clerk needs to determine whether the petition meets the requirements of Subsections 10-2-403(3) and (4);
    - (b) with the assistance of the municipal attorney, determine whether the petition meets the requirements of Subsections 10-2-403(3) and (4); and
  - (c)
    - (i) if the city recorder or town clerk determines that the petition meets those requirements, certify the petition and mail or deliver written notification of the certification to the municipal legislative body, the contact sponsor, and the county legislative body; or
    - (ii) if the city recorder or town clerk determines that the petition fails to meet any of those requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the municipal legislative body, the contact sponsor, and the county legislative body.
- (3)
  - (a)
    - (i) If the city recorder or town clerk rejects a petition under Subsection (2)(c)(ii), the petition may be modified to correct the deficiencies for which it was rejected and then refiled with the city recorder or town clerk, as the case may be.
    - (ii) A signature on an annexation petition filed under Section 10-2-403 may be used toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as modified under Subsection (3)(a)(i).
  - (b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city recorder or town clerk under Subsection (2)(c)(ii), the refiled petition shall be treated as a newly filed petition under Subsection 10-2-403(1).

- (4) Any vote by a municipal legislative body to deny a petition under this part may be recalled and set for reconsideration by a majority of the voting members of the municipal legislative body.
- (5) Each county assessor, clerk, surveyor, and recorder shall provide copies of records that a city recorder or town clerk requests under Subsection (2)(a).

Amended by Chapter 438, 2024 General Session

**Effective 5/3/2023**

**10-2-406 Notice of certification -- Providing notice of petition.**

- (1) After receipt of the notice of certification from the city recorder or town clerk under Subsection 10-2-405(2)(c)(i), the municipal legislative body shall provide notice:
  - (a) for the area proposed for annexation and the unincorporated area within 1/2 mile of the area proposed for annexation, as a class B notice under Section 63G-30-102, no later than 10 days after the day on which the municipal legislative body receives the notice of certification; and
  - (b) within 20 days after the day on which the municipal legislative body receives the notice of certification, by mailing written notice to each affected entity.
- (2) The notice described in Subsection (1) shall:
  - (a) state that a petition has been filed with the municipality proposing the annexation of an area to the municipality;
  - (b) state the date of the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i);
  - (c) describe the area proposed for annexation in the annexation petition;
  - (d) state that the complete annexation petition is available for inspection and copying at the office of the city recorder or town clerk;
  - (e) state in conspicuous and plain terms that the municipality may grant the petition and annex the area described in the petition unless, within the time required under Subsection 10-2-407(2)(a)(i), a written protest to the annexation petition is filed with the commission and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing municipality;
  - (f) state the address of the commission or, if a commission has not yet been created in the county, the county clerk, where a protest to the annexation petition may be filed;
  - (g) state that the area proposed for annexation to the municipality will also automatically be annexed to a special district providing fire protection, paramedic, and emergency services or a special district providing law enforcement service, as the case may be, as provided in Section 17B-1-416, if:
    - (i) the proposed annexing municipality is entirely within the boundaries of a special district:
      - (A) that provides fire protection, paramedic, and emergency services or law enforcement service, respectively; and
      - (B) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and
    - (ii) the area proposed to be annexed to the municipality is not already within the boundaries of the special district; and
  - (h) state that the area proposed for annexation to the municipality will be automatically withdrawn from a special district providing fire protection, paramedic, and emergency services or a special district providing law enforcement service, as the case may be, as provided in Subsection 17B-1-502(2), if:
    - (i) the petition proposes the annexation of an area that is within the boundaries of a special district:
      - (A) that provides fire protection, paramedic, and emergency services or law enforcement service, respectively; and
      - (B) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and
    - (ii) the proposed annexing municipality is not within the boundaries of the special district.
- (3)

- (a) The statement required by Subsection (2)(e) shall state the deadline for filing a written protest in terms of the actual date rather than by reference to the statutory citation.
- (b) In addition to the requirements under Subsection (2), a notice under Subsection (1) for a proposed annexation of an area within a county of the first class shall include a statement that a protest to the annexation petition may be filed with the commission by property owners if it contains the signatures of the owners of private real property that:
  - (i) is located in the unincorporated area within 1/2 mile of the area proposed for annexation;
  - (ii) covers at least 25% of the private land area located in the unincorporated area within 1/2 mile of the area proposed for annexation; and
  - (iii) is equal in value to at least 15% of all real property located in the unincorporated area within 1/2 mile of the area proposed for annexation.

Amended by Chapter 16, 2023 General Session

Amended by Chapter 435, 2023 General Session

**Effective 5/3/2023**

**10-2-407 Protest to annexation petition -- Planning advisory area planning commission recommendation -- Petition requirements -- Disposition of petition if no protest filed -- Public hearing and notice.**

- (1) A protest to an annexation petition under Section 10-2-403 may only be filed by:
  - (a) the legislative body or governing board of an affected entity;
  - (b) an owner of rural real property located within the area proposed for annexation;
  - (c) for a proposed annexation of an area within a county of the first class, an owner of private real property that:
    - (i) is located in the unincorporated area within 1/2 mile of the area proposed for annexation;
    - (ii) covers at least 25% of the private land area located in the unincorporated area within 1/2 mile of the area proposed for annexation; and
    - (iii) is equal in value to at least 15% of all real property located in the unincorporated area within 1/2 mile of the area proposed for annexation; or
  - (d) an owner of private real property located in a mining protection area.
- (2) Each protest under Subsection (1) shall:
  - (a) be filed:
    - (i) no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i); and
    - (ii)
      - (A) in a county that has already created a commission under Section 10-2-409, with the commission; or
      - (B) in a county that has not yet created a commission under Section 10-2-409, with the clerk of the county in which the area proposed for annexation is located;
  - (b) state each reason for the protest of the annexation petition and, if the area proposed to be annexed is located in a specified county, justification for the protest under the standards established in this chapter;
  - (c) if the area proposed to be annexed is located in a specified county, contain other information that the commission by rule requires or that the party filing the protest considers pertinent; and
  - (d) contain the name and address of a contact person who is to receive notices sent by the commission with respect to the protest proceedings.
- (3) The party filing a protest under this section shall on the same date deliver or mail a copy of the protest to the city recorder or town clerk of the proposed annexing municipality.
- (4) Each clerk who receives a protest under Subsection (2)(a)(ii)(B) shall:
  - (a) immediately notify the county legislative body of the protest; and
  - (b) deliver the protest to the boundary commission within five days after:
    - (i) receipt of the protest, if the boundary commission has previously been created; or
    - (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the boundary commission has not previously been created.
- (5)
  - (a) If a protest is filed under this section:
    - (i) the municipal legislative body may, at its next regular meeting after expiration of the deadline under Subsection (2)(a)(i), deny the annexation petition; or
    - (ii) if the municipal legislative body does not deny the annexation petition under Subsection (5)(a)(i), the municipal legislative body may take no further action on the annexation petition until after receipt of the commission's notice of its decision on the protest under Section 10-2-416.

- (b) If a municipal legislative body denies an annexation petition under Subsection (5)(a)(i), the municipal legislative body shall, within five days after the denial, send notice of the denial in writing to:
  - (i) the contact sponsor of the annexation petition;
  - (ii) the commission; and
  - (iii) each entity that filed a protest.
- (6) If no timely protest is filed under this section, the municipal legislative body may, subject to Subsection (7), approve the petition.
- (7) Before approving an annexation petition under Subsection (6), the municipal legislative body shall hold a public hearing and provide notice of the public hearing by publishing the notice for the municipality and the area proposed for annexation, as a class B notice under Section 63G-30-102, for at least seven days before the date of the public hearing.
- (8)
  - (a) Subject to Subsection (8)(b), only a person or entity that is described in Subsection (1) has standing to challenge an annexation in district court.
  - (b) A person or entity described in Subsection (1) may only bring an action in district court to challenge an annexation if the person or entity has timely filed a protest as described in Subsection (2) and exhausted the administrative remedies described in this section.

Amended by Chapter 435, 2023 General Session

Amended by Chapter 478, 2023 General Session

**Effective 7/1/2024**

**10-2-425 Filing of notice and plat -- Recording and notice requirements -- Effective date of annexation or boundary adjustment.**

(1) As used in this section:

(a) "Annexation action" means:

- (i) the enactment of an ordinance annexing an unincorporated area;
- (ii) an election approving an annexation under Section 10-2a-404;
- (iii) the enactment of an ordinance approving a boundary adjustment by each of the municipalities involved in the boundary adjustment; or
- (iv) an automatic annexation that occurs on July 1, 2027 under Subsection 10-2-429(2)(b).

(b) "Applicable legislative body" means:

- (i) the legislative body of each municipality that enacts an ordinance under this part approving the annexation of an unincorporated area or the adjustment of a boundary; or
- (ii) the legislative body of a municipality to which an unincorporated island is automatically annexed under Section 10-2-429.

(2) An applicable legislative body shall:

(a) within 60 days after an annexation action, file with the lieutenant governor:

- (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3);
- (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
- (iii) if applicable, a copy of an agreement under Subsection 10-2-429(2)(a)(ii);

(b) upon the lieutenant governor's issuance of a certificate of annexation or boundary adjustment, as the case may be, under Section 67-1a-6.5:

- (i) if the annexed area or area subject to the boundary adjustment is located within the boundary of a single county, submit to the recorder of that county the original notice of an impending boundary action, the original certificate of annexation or boundary adjustment, the original approved final local entity plat, and a certified copy of the ordinance approving the annexation or boundary adjustment; or
- (ii) if the annexed area or area subject to the boundary adjustment is located within the boundaries of more than a single county:
  - (A) submit to the recorder of one of those counties the original notice of impending boundary action, the original certificate of annexation or boundary adjustment, and the original approved final local entity plat;
  - (B) submit to the recorder of each other county a certified copy of the documents listed in Subsection (2)(b)(ii)(A); and
  - (C) submit a certified copy of the ordinance approving the annexation or boundary adjustment to each county described in Subsections (2)(b)(ii)(A) and (B); and

(c) concurrently with Subsection (2)(b):

- (i) send notice of the annexation or boundary adjustment to each affected entity; and
- (ii) in accordance with Section 53-2d-514, file with the Bureau of Emergency Medical Services:
  - (A) a certified copy of the ordinance approving the annexation of an unincorporated area or the adjustment of a boundary, if applicable; and
  - (B) a copy of the approved final local entity plat.

(3) If an annexation or boundary adjustment under this part also causes an automatic annexation to a special district under Section 17B-1-416 or an automatic withdrawal from a special district under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the lieutenant governor issues a certificate of annexation or boundary adjustment under Section 67-1a-6.5, send notice of the annexation or boundary adjustment to the special

- district to which the annexed area is automatically annexed or from which the annexed area is automatically withdrawn.
- (4) Each notice required under Subsection (1) relating to an annexation or boundary adjustment shall state the effective date of the annexation or boundary adjustment, as determined under Subsection (5).
  - (5) An annexation or boundary adjustment under this part is completed and takes effect:
    - (a) for the annexation of or boundary adjustment affecting an area located in a county of the first class, except for an annexation under Section 10-2-418:
      - (i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or boundary adjustment if:
        - (A) the certificate is issued during the preceding November 1 through April 30; and
        - (B) the requirements of Subsection (2) are met before that July 1; or
      - (ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or boundary adjustment if:
        - (A) the certificate is issued during the preceding May 1 through October 31; and
        - (B) the requirements of Subsection (2) are met before that January 1; and
    - (b) subject to Subsection (6), for all other annexations and boundary adjustments, the date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of annexation or boundary adjustment.
  - (6)
    - (a) As used in this Subsection (6):
      - (i) "Affected area" means:
        - (A) in the case of an annexation, the annexed area; and
        - (B) in the case of a boundary adjustment, any area that, as a result of the boundary adjustment, is moved from within the boundary of one municipality to within the boundary of another municipality.
      - (ii) "Annexing municipality" means:
        - (A) in the case of an annexation, the municipality that annexes an unincorporated area or the municipality to which an unincorporated island is automatically annexed under Section 10-2-429; and
        - (B) in the case of a boundary adjustment, a municipality whose boundary includes an affected area as a result of a boundary adjustment.
    - (b) The effective date of an annexation or boundary adjustment for purposes of assessing property within an affected area is governed by Section 59-2-305.5.
    - (c) Until the documents listed in Subsection (2)(b)(i) are recorded in the office of the recorder of each county in which the property is located, a municipality may not:
      - (i) levy or collect a property tax on property within an affected area;
      - (ii) levy or collect an assessment on property within an affected area; or
      - (iii) charge or collect a fee for service provided to property within an affected area, unless the municipality was charging and collecting the fee within that area immediately before annexation.