

SALT LAKE COUNTY  
COUNTYWIDE POLICY  
ON  
REVIEW COMMITTEE

**Purpose -**

The County has provided for the creation of a review committee to review requests for feasibility studies, incorporation petitions and annexation petitions and make findings as to the adequacy of the petitions and compliance with statutory requirements. The procedures set forth in this policy are for the purposes of governing the internal operation of the review committee and its review of requests for feasibility studies, incorporation petitions and annexation petitions that are received or filed with Salt Lake County. This policy does not modify or later, in any manner, the procedures for notification and other action otherwise required by the Utah Code governing requests for feasibility studies for incorporation, incorporation petitions or annexation petitions.

**Reference**

Utah Code, Title 10, Chapter 2, Parts 1 and 4; Chapter 2.92, Salt Lake County Code of Ordinances, 1986.

**1.0 Policy**

It is the policy of Salt Lake County to provide a standardized procedure to process and review requests for feasibility studies, incorporation petitions and annexation petitions that are received or filed with Salt Lake County pursuant to state statute. A review committee has been created, by County ordinance, to conduct this review and it is the intent of the County to establish procedures and guidelines for this committee.

**2.0 Procedures**

- 2.1 Request for Feasibility Study - When a request for feasibility study is filed with the Salt Lake County Clerk, the following procedures will guide the processing of the request:
  - 2.1.1 The Clerk's Office shall stamp each petition page as of the date of receipt.
  - 2.1.2 The Clerk's Office shall require the petition sponsors to designate in writing when the filing is complete and acknowledge that the County has 45 days from that date to complete review of the request and either certify or reject the same.
  - 2.1.3 Upon receipt of the first filing of any requests for feasibility study, the Clerk will notify the Review Committee and schedule a meeting of the committee.
  - 2.1.4 At this initial meeting of the Review Committee, the committee may establish a flowchart and checklist for the review of the request for feasibility study and address any other issues associated with the review.

- 2.1.5 When the filing of the request for feasibility study is complete, or as the sponsors file portions of the request with the County Clerk, the Clerk's Office will provide copies to the following member agencies of the committee for review:
  - 2.1.5.1 County Council - Map, description and petition pages as requested by the Board.
  - 2.1.5.2 Attorney's Office - Map, description and sample of petition pages.
  - 2.1.5.3 Assessor's Office - Map, description, all petition pages with signatures.
  - 2.1.5.4 Recorder's Office - Map and description.
  - 2.1.5.5 Surveyor's Office - Map and description.
- 2.1.6 Upon the completion of the filing of the request by the sponsors, the Review Committee shall convene to establish time frames for completion of each agency's review and coordinate the review process utilizing the expertise of each agency's personnel. The Review Committee shall review the request for feasibility study to determine whether the request complies with the statutory requirements. Additional meetings of the Review Committee may be held during the review process as needed by the members of the committee.
- 2.1.7 Once each member agency completes its assigned portion of the review for statutory compliance, with the assistance of the other agencies as needed, that agency will submit a written report of its findings to the County Clerk.
- 2.1.8 Based upon the reports submitted by the member agencies of the Review Committee, the County Clerk will either certify or reject the request in accordance with state statute.
- 2.1.9 If the request for feasibility study is rejected for non-compliance with the statutory requirements, the request may be amended to correct the deficiencies for which it was rejected and then refilled, pursuant to state statute. Upon receipt of such a modified request, the clerk shall notify the county legislative body and the Review Committee providing copies of the modified request for feasibility study with said notification. The county clerk will also send notice of the modified request for feasibility study to the chair of each township planning commission in which any area proposed for incorporation is located. The Review Committee shall again convene and determine whether the deficiencies were corrected. Based upon the determination of the Review Committee as to the correction of the deficiencies, the County Clerk will certify or reject the amended request.
- 2.1.10 The County Clerk shall have the sponsors of the request for feasibility study acknowledge, in writing, that the County has 20 days from the date of filing the modified request to complete its review.

- 2.1.11 If the results of the feasibility study do not meet the statutory requirements, the sponsors may modify the request to alter the boundaries of the proposed city and then re-file the request, as modified, pursuant to state statute. Upon receipt of such modified request, the clerk shall notify the Review Committee and the county legislative body, providing copies of the modified request with said notification. The Review Committee shall convene and review the modified request as provided for in state statute following the same review procedure utilized for the original request.
  - 2.1.12 If additional modified requests are filed, the additional modified requests shall be processed as original requests, in accordance with state statute.
  - 2.1.13 In accordance with the Utah Code, at the time of filing the request for feasibility study with the county clerk, the sponsors of the request shall mail or deliver a copy of the request to the chair of the planning commission of each township in which any part of the area proposed for incorporation is located.
  - 2.1.14 In accordance with the Utah Code, the county clerk will send notice of the certification of a request for feasibility study to the County Council, the contact sponsor of the request, and to the chair of each township planning commission in which any part of the area proposed for incorporation is located. The township planning commission may recommend to the County Council to approve or oppose the proposed incorporation, as provided in the Utah Code, and shall communicate each recommendation, in accordance with the Utah Code, in writing within 60 days of the county clerk's certification of the request. The township planning commission shall also mail or deliver a copy of the recommendation to the contact sponsor of the request for feasibility study, as required under the Utah Code.
- 2.2 Petitions for Incorporation - If a petition for incorporation of a municipality is filed within 18 months of the completion of the public hearings statutorily required for the feasibility study, the Review Committee shall convene to review the petition for incorporation and determine if it complies with the statutory requirements. The following procedures will guide the processing of the incorporation petition:
- 2.2.1 The Clerk's Office shall date stamp each petition page as of the date of receipt.
  - 2.2.2 The Clerk's Office shall require the petition sponsors to designate in writing when the filing is complete and acknowledge that the County has 45 days from that date to complete review of the request and either certify or reject the same.
  - 2.2.3 Upon receipt of the first filing of any portions of the incorporation petition, the Clerk will notify the Review Committee and schedule a meeting of the committee.
  - 2.2.4 At this initial meeting of the Review Committee, the committee may establish a flowchart and checklist for the review of the incorporation petition and address any other issues associated with the review.
  - 2.2.5 When the filing of the incorporation petition is complete, or as the sponsors file portions of the petition with the County Clerk, the Clerk's Office will provide copies to the following member agencies of the committee for review:

- 2.2.5.1 County Council- Map, description and petition pages as requested by the Council.
- 2.2.5.2 Attorney's Office - Map, description and sample of petition pages.
- 2.2.5.3 Assessor's Office - Map, description, all petition signature pages.
- 2.2.5.4 Recorder's Office - Map and description.
- 2.2.5.5 Surveyor's Office - Map and description.
- 2.2.6 Upon the completion of the filing of the incorporation petition by the sponsors, the Review Committee shall convene to establish time frames for completion of each member agency's review and coordinate the review process utilizing the expertise of each member agency's personnel. The Review Committee shall review the incorporation petition to determine whether the petition complies with the statutory requirements. Additional meetings of the Review Committee may be held during the review process as needed by the members of the committee.
- 2.2.7 Once each member agency completes its assigned portion of the review for statutory compliance, with the assistance of the other agencies as needed, that agency will submit a written report of its findings to the County Clerk.
- 2.2.8 Based upon the reports submitted by the member agencies of the Review Committee, the County Clerk will either certify or reject the incorporation petition in accordance with state statute.
- 2.2.9 If the incorporation petition is rejected for non-compliance with the statutory requirements, the petition may be modified to correct the deficiencies for which it was rejected and then refilled, pursuant to state statute. Upon receipt of such modified petition, the clerk shall notify the Review Committee and the County Council, providing copies of the modified petition with said notification. The Review Committee shall again convene and determine whether the deficiencies were corrected. Based upon the determination of the Review Committee as to the correction of the deficiencies, the County Clerk will certify or reject the modified incorporation petition within 20 days of its filing.
- 2.2.10 If a petition for incorporation of a town is filed, pursuant to Utah Code Ann. ' 10-2-125, et seq., the Review Committee will utilize the following procedure.
  - 2.2.10.1 The Clerk's Office shall date stamp each petition page as of the date of receipt.
  - 2.2.10.2 The Clerk's Office shall require the petition sponsors to designate in writing when the filing is complete.
  - 2.2.10.3 Upon receipt of the first filing of any portions of the town incorporation petition, the Clerk will notify the Review Committee and schedule a meeting of the committee.

- 2.2.10.4 At this initial meeting of the Review Committee, the committee may establish a flowchart and checklist for the review of the incorporation petition and address any other issues associated with the review.
  - 2.2.10.5 When the filing of the incorporation petition is complete, or as the sponsors file portions of the petition with the County Clerk, the Clerk's Office will provide copies to the following member agencies of the committee for review:
    - 2.2.10.5.1 County Council - Legal description and petition pages as requested by the Council.
    - 2.2.10.5.2 Attorney's Office - Legal description and petition pages.
    - 2.2.10.5.3 Assessor's Office - Legal description, all petition pages.
    - 2.2.10.5.4 Recorder's Office - Legal description.
    - 2.2.10.5.5 Surveyor's Office - Legal description.
  - 2.2.10.6 Upon the completion of the filing of the town incorporation petition by the sponsors, the Review Committee shall convene to establish time frames for completion of each member agency's review and coordinate the review process utilizing the expertise of each member agency's personnel. The Review Committee shall review the incorporation petition to determine whether the petition complies with the statutory requirements. Additional meetings of the Review Committee may be held during the review process as needed by the members of the committee.
  - 2.2.10.7 Once each member agency completes its assigned portion of the review for statutory compliance, with the assistance of the other agencies as needed, that agency will submit a written report of its findings to the County Clerk.
  - 2.2.10.8 Based upon the reports submitted by the member agencies of the Review Committee, the County Clerk will submit the findings of the Review Committee to the county legislative body indicating whether the petition meets the statutory requirements.
- 2.3 Additional Assistance By County- Upon the proposal or submission of a request for feasibility study or incorporation petition, the County legislative body may refer the request or petition to the Review Committee and other County offices as necessary to provide review assistance and approval of a proposed request for feasibility study or the proposed petition for incorporation prior to circulation and filing, as appropriate and as requested by the petitioners. This assistance will not include actual preparation of the petition or the map required by the statute.

## 2.4 Annexation Petitions

- 2.4.1 Notice of Intent to File Annexation Petition – Prior to filing an annexation petition with the proposed annexing municipality, the sponsors of a proposed annexation must file a notice of intent with the proposed annexing municipality and send or deliver a copy of the notice of intent to Salt Lake County. The Utah Code sets forth the contents of the notice and requires an accurate map of the area be submitted with the notice of intent.
- 2.4.1.1 The copy of the notice of intent to file an annexation petition to be sent or delivered to Salt Lake County should be delivered to the County Mayor with a copy to the County Council. Upon receipt of the copy of the notice of intent, the County Mayor's Office shall proceed as directed in the Utah Code with regard to the notice required to be sent to all property owners within the area proposed for annexation. Further, the County Mayor's office will provide a copy of the notice of intent to the chair of an affected township planning commission and the chair of the affected community council. The County may charge a minimum fee of \$10.00 for the costs incurred in mailing the notice to the property owners as required by statute. If the costs incurred in mailing the notice will exceed \$10.00, the County will charge the costs incurred to mail the notice.
- 2.4.2 Processing of Copies of Annexation Petitions - Copies of all pages of a Petition proposing annexation into a municipality located within Salt Lake County, including a description of the area and a map or plat, shall be delivered or mailed to the County Clerk on the same date that the original annexation petition is filed with the municipality, as required by statute.
- 2.4.3 On the date that the copies of the petition are received by the County Clerk, the Clerk's office will stamp on each petition page the date of receipt.
- 2.4.4 The County Clerk will promptly notify, in writing, the County Council, the chair of the affected township planning commission, the chair of the affected community council, the Attorney and members of the Review Committee of the receipt of the annexation petition by the County. The notice shall include the name of the annexing municipality, the date that the petition was filed with the city recorder/clerk, a description of the boundaries of the proposed annexation as provided by the annexation sponsors, and such other detail as is pertinent to the proposed annexation.
- 2.4.5 Upon receipt of notice from the Clerk, the county legislative body shall decide whether the petition should be referred to the Review Committee for review as to the petition's compliance with the statutory requirements. If the county legislative body determines that such review is necessary, that body shall refer the annexation petition to the Review Committee and direct the committee to review the petition for compliance with the statutory requirements.

- 2.4.6 Upon referral of the annexation petition to the Review Committee by the county legislative body, the County Clerk shall schedule a meeting of the Review Committee. The committee shall convene to establish a timetable for completion of the review and assign review tasks to the member agencies as the Committee determines.
- 2.4.7 When the Review Committee completes its review it shall report the results of its review in a timely manner to County Council and the Attorney. The County Council shall provide a copy of said report to the annexing municipality.

APPROVED and PASSED this 29 day of March, 2005.

**SALT LAKE COUNTY COUNCIL**

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Michael Jensen, Chair

ATTEST:

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Sherrie Swensen, County Clerk

APPROVED AS TO FORM:

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District Attorney's Office      Date