

SUMMIT COUNTY SERVICE AREA #3

REGULATION NO. 2025 – 16

**REGULATION GOVERNING ANNEXATION & BOUNDARY ADJUSTMENTS
IN SUMMIT COUNTY SERVICE AREA #3**

WHEREAS, Summit County Service Area #3 (the “**Service Area**”) is a Utah Special District, existing under and by virtue of the provisions of Title 17B, Chapter 1 of the Utah Code; and

WHEREAS, certain entities have expressed an interest in annexing real property into the jurisdictional boundaries of the Service Area; and

WHEREAS, the Board desires to implement parameters for annexation as well as comply with Title 17B, Chapter 1, Part 4 of the Utah Code regarding the annexation process and appropriate criteria for acceptance or denial; and

WHEREAS, Title 17B, Chapter 1, Part 4 of the Utah Code also includes an updated process for boundary adjustments, which the Board desires to enact; and

WHEREAS, the Board finds that it is in the best interests of the Service Area and its residents to enact the Regulation attached hereto as **Exhibit 1**, which includes parameters, processes and determination criteria for annexations and boundary adjustments.

NOW, THEREFORE, be it **RESOLVED** by the Board of Trustees of the Summit County Service Area #3 that effective immediately:

1. That Regulation 2025-16 is hereby approved in the form attached hereto as **Exhibit 1**; and

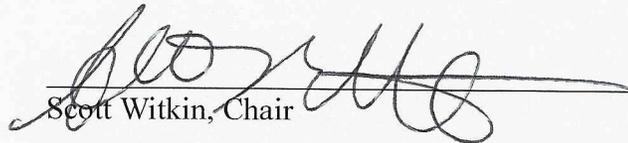
2. The Service Area’s staff is directed to prepare any and all forms, letters, applications, summaries, checklists, or other documents the adopted, attached Regulation may require.

3. Service Area staff are instructed to post this Regulation to the Service Area’s website, and to post Notice of the Regulation as authorized under Utah Code § 17B-1-313.

[Execution on following page]

ADOPTED AND APPROVED by majority vote at a duly called meeting of the Board of Trustees on this 9th day of DECEMBER 2025.

SUMMIT COUNTY SERVICE AREA NO. 3


Scott Witkin, Chair

ATTEST:


Karri Taix, Clerk

VOTING

Trustee Ball voting	<u>X</u> ABSENT (cc)
Trustee Blum voting	<u>ABSENT</u>
Trustee Olson voting	<u>/</u>
Trustee Parisi voting	<u>X</u>
Trustee Price voting	<u>X</u>
Trustee Taix voting	<u>X</u>
Trustee Witkin voting	<u>X</u>

EXHIBIT 1

REGULATION #2025-16

SUMMIT COUNTY SERVICE AREA #3 ANNEXATION AND BOUNDARY ADJUSTMENT REGULATIONS

PART I- ANNEXATION

SECTION 1.0 Definitions

1.1 “Board” means the Board of Trustees for Summit County Service Area #3.

1.2 “Pre-Annexation Agreement” means an agreement between and individual or entity with the Service Area that sets forth the rights, duties, and responsibilities for each party regarding the annexation of real property into the Service Area.

1.3 “Service Area” means Summit County Service Area #3.

1.4 “State Annexation Code” means Title 17B, Chapter 1, Part 4 of the Utah Code, as amended, and any successor statutes.

SECTION 2.0 Authority

The Service Area promulgates this Regulation pursuant to Utah Code Ann. § 17B-1-103, Utah Code Ann. § 17B-2a-901, et seq., and Section 2-27-1, et seq. of the Summit County Code, and any other applicable law, ordinance, regulation, or successor statute.

SECTION 3.0 Annexation Fees

The Service Area may impose an annexation fee for costs incurred by the Service Area related to processing the annexation, including, but not limited to, administrative costs, feasibility studies, appraisals, surveys, or other information the Board deems necessary in order to properly consider the annexation.

SECTION 4.0 Process for Annexation

The Service Area shall comply with all annexation requirements and processes set forth in the State Annexation Code. The Service Area may enter into a Pre-Annexation Agreement with any

person or entity seeking to annex into the Service Area at the discretion of the Board. The Service Area may require information in addition to the requirements under the State Annexation Code, if determined necessary by the Board in order to properly consider the annexation.

SECTION 5.0 Criteria for Approval or Denial of Annexation

After all of the requirements have been met under the State Annexation Code, including the expiration of all applicable timeframes, the Board may by resolution approve or deny the annexation.

5.1 Denial of Annexation. The Board may deny the annexation if the Board determines that it is not feasible for the special district to provide service to the area proposed to be annexed or annexing the area proposed to be annexed would be inequitable to the owners of real property or residents already within the special district. The Board shall consider the following criteria in its determination:

- (i) “Feasible” factors include:
 - (a) Physical barriers that prevent the Service Area from providing service;
 - (b) Limited resources such as water availability, equipment, financial assets or administrative capacity that prevent the Service Area from providing service.
 - (c) Specialized services, unique infrastructure, or other impractical requirements to provide service, beyond the level of service the Service Area currently provides.
- (ii) “Inequitable” factors include:
 - (a) Any reduction, or risk of reduction in current level of service to current residents.

(b) Disproportionate payment of Service Area fees by current residents such as a current resident paying a higher fee for a permit, violation, or service than an annexed resident.

(iii) The board shall set forth its reasons for denying the annexation in the resolution denying the annexation.

5.2 Approval of Annexation. The Board may approve the annexation and authorize Service Area staff in the resolution to perform the requirements set forth in the State Annexation Code to complete the annexation.

SECTION 6.0 Savings Clause

If any section, subsection, sentence, clause, or phrase of this Regulation is for any reason held to be invalid by a court of law, such determination will not affect the validity of the remaining portions of this Regulation, which shall remain binding and enforceable.

SECTION 7.0 Waiver

Nothing in this Regulation will be construed as a waiver by the Service Area of any requirement or obligation under the Utah Code or any Service Area rule, Regulation, or policy.

PART 2- BOUNDARY ADJUSTMENT WITH ADJACENT SPECIAL DISTRICT

SECTION 1.0 Purpose

Other special districts having a common boundary with the Service Area and providing the same service on the same wholesale or retail basis may adjust the common boundary as provided in this Part 2.

SECTION 2.0 Authority

The Service Area promulgates this Regulation pursuant to Utah Code Ann. § 17B-1-103, Utah Code Ann. § 17B-2a-901, et seq., and Section 2-27-1, et seq. of the Summit County Code, and any other applicable law, ordinance, regulation, or successor statute.

SECTION 3.0 Boundary Adjustment Fees

The Service Area may impose fees for costs incurred by the Service Area related to processing the boundary adjustment, including, but not limited to, administrative costs, feasibility studies, appraisals, surveys, or other information the Board deems necessary in order to properly consider the boundary adjustment.

SECTION 4.0 Process for Boundary Adjustment

The Service Area shall comply with all boundary adjustment requirements and processes set forth in Utah Code Ann. § 17B-1-417 as amended, and any successor statutes. The Service Area may require information in addition to the requirements under Utah Code Ann. § 17B-1-417, if determined necessary by the Board in order to properly consider the boundary adjustment.

SECTION 5.0 Criteria for Approval or Denial of Boundary Adjustment

After all of the requirements have been met under Utah Code Ann. § 17B-1-417, including the expiration of all applicable timeframes, the Board may approve the boundary adjustment by resolution if the Board determines, in its sole discretion, that the boundary adjustment provides a substantial benefit to the Service Area. If the boundary adjustment is approved, the Board shall authorize Service Area staff in the resolution to perform the requirements set forth in Utah Code Ann. § 17B-1-417 to complete the boundary adjustment. The Board may deny the boundary adjustment by resolution and shall state the reasons for denial in the resolution.

SECTION 6.0 Savings Clause

If any section, subsection, sentence, clause, or phrase of this Regulation is for any reason held to be invalid by a court of law, such determination will not affect the validity of the remaining portions of this Regulation, which shall remain binding and enforceable.

SECTION 7.0 Waiver

Nothing in this Regulation will be construed as a waiver by the Service Area of any requirement or obligation under the Utah Code or any Service Area rule, Regulation, or policy.