

Part 2

Creation, Consolidation, Division, and Dissolution of Conservation Districts

17D-3-201 Commission authority to approve the creation, consolidation, division, and dissolution of conservation districts -- Notice and hearing requirements.

- (1) As provided in this part, the commission may:
 - (a) pursuant to a petition under Section 17D-3-202, approve the creation of a conservation district; or
 - (b) pursuant to a petition under Section 17D-3-202 or on its own motion, approve:
 - (i) the consolidation of two or more existing conservation districts;
 - (ii) the division of an existing conservation district into two or more conservation districts; or
 - (iii) the dissolution of an existing conservation district.
- (2) Before taking an action authorized under Subsection (1), the commission shall:
 - (a) cause notice of a hearing on the proposed creation, consolidation, division, or dissolution to be published:
 - (i) no more than 30 days after, as the case may be:
 - (A) the filing of a petition under Section 17D-3-202, for a proposed creation, consolidation, division, or dissolution; or
 - (B) adoption of the commission's own motion, for a proposed consolidation, division, or dissolution; and
 - (ii) within:
 - (A) for a proposed creation, the area of the proposed conservation district;
 - (B) for a proposed consolidation, the area of each conservation district proposed to be consolidated; and
 - (C) for a proposed division or dissolution, within the area of the conservation district proposed to be divided or dissolved; and
 - (b) hold a public hearing on the desirability and necessity of the creation, consolidation, division, or dissolution.

Enacted by Chapter 360, 2008 General Session

17D-3-202 Petition to create conservation district -- Petition or commission motion to consolidate, divide, or dissolve conservation districts -- Petition requirements.

- (1) A petition to create a conservation district, to consolidate two or more existing conservation districts, or to divide or dissolve an existing conservation district may be filed by 25 or more land occupiers residing within:
 - (a) for the proposed creation of a conservation district, the area included within the proposed conservation district;
 - (b) for the proposed consolidation of existing conservation districts, the area included within the conservation districts proposed to be consolidated; or
 - (c) for the proposed division or dissolution of an existing conservation district, the area included within the conservation district proposed to be divided or dissolved.
- (2) Each petition under Subsection (1) shall be:
 - (a) in the form that the commission prescribes; and
 - (b) filed with the commission.

Enacted by Chapter 360, 2008 General Session

17D-3-203 Considerations in determining whether to approve conservation district creation, consolidation, division, or dissolution -- Denial or approval -- Notice and plat to lieutenant governor -- Recording requirements -- Prohibition against considering similar creation, consolidation, division, or dissolution if previously denied.

- (1) In determining whether to approve the creation of a conservation district, the consolidation of existing conservation districts, or the division or dissolution of an existing conservation district, the commission shall consider:
 - (a) the demonstrated necessity and administrative practicality of the creation, consolidation, division, or dissolution;
 - (b) the topography of and soil compositions and prevailing land use practices within the area of the proposed or existing conservation district or districts;
 - (c) the hydrologic unit code of the watershed in which the area of the proposed or existing conservation district or districts is located;
 - (d) the relationship of the area of the proposed or existing conservation district or districts to existing watersheds and agricultural regions; and
 - (e) the sentiment expressed by persons within the area of the proposed or existing conservation district or districts with respect to the proposed creation, consolidation, division, or dissolution.
- (2) After holding a public hearing as required under Subsection 17D-3-201(2)(b) and considering the factors listed in Subsection (1), the commission shall:
 - (a)
 - (i) disapprove the creation of a conservation district, the consolidation of existing conservation districts, or the division or dissolution of an existing conservation district, as the case may be, if the commission determines that creation, consolidation, division, or dissolution is not necessary or administratively practical; or
 - (ii) approve the creation of a conservation district, the consolidation of existing conservation districts, or the division or dissolution of an existing conservation district, as the case may be, if the commission determines that creation, consolidation, division, or dissolution is necessary and administratively practical; and
 - (b) set forth in writing the reasons for the commission's action.
- (3)
 - (a) If the commission approves the creation, consolidation, division, or dissolution, the commission shall:
 - (i) deliver to the lieutenant governor:
 - (A) a copy of 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); and
 - (B) except in the case of a dissolution, a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - (ii) upon the lieutenant governor's issuance of a certificate of boundary action under Section 67-1a-6.5:
 - (A) if the conservation district is or, in the case of dissolution, was located within the boundary of a single county, submit to the recorder of that county:
 - (I) the original:
 - (Aa) notice of an impending boundary action;
 - (Bb) certificate of boundary action; and
 - (Cc) except in the case of dissolution, approved final local entity plat; and
 - (II) a certified copy of the document that the commission adopted approving the boundary action; or

- (B) if the conservation district is or, in the case of a dissolution, was located within the boundaries of more than a single county:
 - (I) submit to the recorder of one of those counties:
 - (Aa) the original of the documents listed in Subsections (3)(a)(ii)(A)(I)(Aa), (Bb), and (Cc); and
 - (Bb) a certified copy of the document that the commission adopted approving the boundary action; and
 - (II) submit to the recorder of each other county:
 - (Aa) a certified copy of the documents listed in Subsections (3)(a)(ii)(A)(I)(Aa), (Bb), and (Cc); and
 - (Bb) a certified copy of the document that the commission adopted approving the boundary action.
- (b) Upon the lieutenant governor's issuance of the certificate of creation, consolidation, division, or dissolution under Section 67-1a-6.5, as the case may be, the conservation district is created and incorporated, consolidated, divided, or dissolved, respectively.
- (4) If the commission disapproves a creation, consolidation, division, or dissolution under Subsection (2)(a)(i), the commission may not, for six months following the denial, consider a similar proposal to create, divide, or dissolve the conservation district or to consolidate the conservation districts, as the case may be.

Amended by Chapter 350, 2009 General Session

17D-3-204 Commission action if conservation districts are consolidated, divided, or dissolved.

- (1) If two or more conservation districts are consolidated, the commission shall merge the assets and liabilities of the conservation districts that have been consolidated into the conservation district resulting from the consolidation.
- (2) If a conservation district is divided, the commission shall equitably divide the assets and liabilities of the divided conservation district between the conservation districts resulting from the division.
- (3) If a conservation district is dissolved, the commission shall wind up the affairs of the dissolved conservation district.

Enacted by Chapter 360, 2008 General Session