

**HISTORIC PRESERVATION IN GENERAL
PLANS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Ralph Becker

This act modifies the Utah Municipal Code and provisions relating to Counties. The act adds historic preservation to the matters that the general plan of a county or municipality may provide for.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

10-9-301, as last amended by Chapter 34, Laws of Utah 2000

17-27-301, as last amended by Chapter 107, Laws of Utah 2001

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-9-301** is amended to read:

10-9-301. General plan.

(1) In order to accomplish the purposes set forth in this chapter, each municipality shall prepare and adopt a comprehensive, long-range general plan for:

- (a) present and future needs of the municipality; and
- (b) growth and development of the land within the municipality or any part of the municipality.

(2) The plan may provide for:

(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;

(b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;

(c) the efficient and economical use, conservation, and production of the supply of:

- (i) food and water; and
- (ii) drainage, sanitary, and other facilities and resources;

(d) the use of energy conservation and solar and renewable energy resources;

- (e) the protection of urban development;
- (f) the protection and promotion of air quality; [~~and~~]
- (g) historic preservation; and

[~~(g)~~] (h) an official map, pursuant to Title 72, Chapter 5, Part 4, Transportation Corridor Preservation.

(3) The municipality may determine the comprehensiveness, extent, and format of the general plan.

Section 2. Section **17-27-301** is amended to read:

17-27-301. General plan.

(1) In order to accomplish the purposes set forth in this chapter, each county shall prepare and adopt a comprehensive general plan for:

- (a) the present and future needs of the county; and
- (b) the growth and development of the land within the county or any part of the county, including uses of land for urbanization, trade, industry, residential, agricultural, wildlife habitat, and other purposes.

(2) The plan may provide for:

- (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
- (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
- (d) the use of energy conservation and solar and renewable energy resources;
- (e) the protection of urban development;
- (f) the protection and promotion of air quality; [~~and~~]
- (g) historic preservation; and
- [~~(g)~~] (h) an official map, pursuant to Title 72, Chapter 5, Part 4, Transportation Corridor

Preservation.

(3) (a) The plan shall include specific provisions related to any areas within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section 19-3-303. The provisions shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:

(i) the information identified in Section 19-3-305;

(ii) information supported by credible studies that demonstrates that the provisions of Subsection 19-3-307(2) have been satisfied; and

(iii) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.

(b) A county may, in lieu of complying with Subsection (3)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the county are rejected.

(c) A county may adopt the ordinance listed in Subsection (3)(b) at any time.

(d) The county shall send a certified copy of the ordinance under Subsection (3)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.

(e) If a county repeals an ordinance adopted pursuant to Subsection (3)(b) the county shall:

(i) comply with Subsection (3)(a) as soon as reasonably possible; and

(ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.

(4) The plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.

(5) The county may determine the comprehensiveness, extent, and format of the general

plan.