

1                                   **HISTORIC PRESERVATION IN GENERAL**

2   **PLANS**

3   2003 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Ralph Becker**

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

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

10   AMENDS:

11                   **10-9-301**, as last amended by Chapter 34, Laws of Utah 2000

12                   **17-27-301**, as last amended by Chapter 107, Laws of Utah 2001

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

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

15                   **10-9-301. General plan.**

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

18                   (a) present and future needs of the municipality; and

19                   (b) growth and development of the land within the municipality or any part of the  
20   municipality.

21                   (2) The plan may provide for:

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

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

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

27                   (i) food and water; and



- 28 (ii) drainage, sanitary, and other facilities and resources;
- 29 (d) the use of energy conservation and solar and renewable energy resources;
- 30 (e) the protection of urban development;
- 31 (f) the protection and promotion of air quality; [~~and~~]
- 32 (g) historic preservation; and
- 33 [~~(g)~~] (h) an official map, pursuant to Title 72, Chapter 5, Part 4, Transportation
- 34 Corridor Preservation.

35 (3) The municipality may determine the comprehensiveness, extent, and format of the

36 general plan.

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

38 **17-27-301. General plan.**

39 (1) In order to accomplish the purposes set forth in this chapter, each county shall

40 prepare and adopt a comprehensive general plan for:

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

45 (2) The plan may provide for:

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

58 Corridor Preservation.

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

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

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

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

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

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

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

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

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

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

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

85 (5) The county may determine the comprehensiveness, extent, and format of the  
86 general plan.

**Legislative Review Note**  
**as of 11-22-02 3:06 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0051**

**Historic Preservation in General Plans**

*07-Jan-03*

*1:43 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**