



28 17-27a-403, as last amended by Laws of Utah 2015, Chapters 310 and 465

29 17-27a-404, as last amended by Laws of Utah 2015, Chapter 310

30 63J-4-607, as enacted by Laws of Utah 2015, Chapter 310

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

33 Section 1. Section 17-27a-401 is amended to read:

34 **17-27a-401. General plan required -- Content -- Resource management plan --**  
35 **Provisions related to radioactive waste facility.**

36 (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a  
37 comprehensive, long-range general plan:

38 (a) for present and future needs of the county;

39 (b) (i) for growth and development of all or any part of the land within the  
40 unincorporated portions of the county; or

41 (ii) if a county has designated a mountainous planning district, for growth and  
42 development of all or any part of the land within the mountainous planning district; and

43 (c) as a basis for communicating and coordinating with the federal government on land  
44 and resource management issues.

45 (2) ~~[The]~~ To promote health, safety, and welfare, the general 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 or promotion of moderate income housing;

56 (g) the protection and promotion of air quality;

57 (h) historic preservation;

58 (i) identifying future uses of land that are likely to require an expansion or significant

59 modification of services or facilities provided by each affected entity; and

60 (j) an official map.

61 (3) (a) The general plan shall contain a resource management plan [~~to provide for the~~  
62 ~~protection, conservation, development, and managed use of resources that are critical to the~~  
63 ~~health, safety, and welfare of the citizens of the county and of the state~~] for the public lands, as  
64 defined in Section 63L-6-102, within the county.

65 (b) The resource management plan shall address:

66 [~~(i) be centered on the following core resources:~~]

67 [~~(A) energy;~~]

68 [~~(B) air; and~~]

69 [~~(C) water; and~~]

70 [~~(ii) contain detailed plans regarding:~~]

71 [~~(A)] (i) mining;~~

72 [~~(B)] (ii) land use;~~

73 [~~(C)] (iii) livestock and grazing;~~

74 [~~(D)] (iv) irrigation;~~

75 [~~(E)] (v) agriculture;~~

76 [~~(F)] (vi) fire management;~~

77 [~~(G)] (vii) noxious weeds;~~

78 [~~(H)] (viii) forest management;~~

79 [~~(I)] (ix) water rights;~~

80 [~~(J)] (x) ditches and canals;~~

81 [~~(K)] (xi) water quality and hydrology;~~

82 [~~(L)] (xii) flood plains and river terraces;~~

83 [~~(M)] (xiii) wetlands;~~

84 [~~(N)] (xiv) riparian areas;~~

85 [~~(O)] (xv) predator control;~~

86 [~~(P)] (xvi) wildlife;~~

87 [~~(Q)] (xvii) fisheries;~~

88 [~~(R)] (xviii) recreation and tourism;~~

89 [~~(S)] (xix) energy resources;~~

- 90            [~~(F)~~] (xx) mineral resources;
- 91            [~~(U)~~] (xxi) cultural, historical, geological, and paleontological resources;
- 92            [~~(V)~~] (xxii) wilderness;
- 93            [~~(W)~~] (xxiii) wild and scenic rivers;
- 94            [~~(X)~~] (xxiv) threatened, endangered, and sensitive species;
- 95            [~~(Y)~~] (xxv) land access;
- 96            [~~(Z)~~] (xxvi) law enforcement; [~~and~~]
- 97            [~~(AA)~~] (xxvii) economic considerations~~[-];~~ and
- 98            (xxviii) air.

99            (c) For each item listed under Subsection (3)(b), a county's resource management plan  
100 shall:

- 101            (i) establish [~~any relevant~~] findings pertaining to the item;
- 102            (ii) establish [~~clearly~~] defined objectives; and
- 103            (iii) outline general policies and guidelines on how the objectives described in  
104 Subsection (3)(c)(ii) are to be accomplished.

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

- 111            (i) the information identified in Section 19-3-305;
- 112            (ii) information supported by credible studies that demonstrates that the provisions of  
113 Subsection 19-3-307(2) have been satisfied; and
- 114            (iii) specific measures to mitigate the effects of high-level nuclear waste and greater  
115 than class C radioactive waste and guarantee the health and safety of the citizens of the state.

116            (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance  
117 indicating that all proposals for the siting of a storage facility or transfer facility for the  
118 placement of high-level nuclear waste or greater than class C radioactive waste wholly or  
119 partially within the county are rejected.

120            (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

121 (d) The county shall send a certified copy of the ordinance described in Subsection  
122 (4)(b) to the executive director of the Department of Environmental Quality by certified mail  
123 within 30 days of enactment.

124 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

125 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

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

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

130 (6) Subject to Subsection 17-27a-403(2), the county may determine the  
131 comprehensiveness, extent, and format of the general plan.

132 (7) If a county has designated a mountainous planning district, the general plan for the  
133 mountainous planning district is the controlling plan and takes precedence over a municipality's  
134 general plan for property located within the mountainous planning district.

135 (8) Nothing in this part may be construed to limit the authority of the state to manage  
136 and protect wildlife under Title 23, Wildlife Resources Code of Utah.

137 Section 2. Section 17-27a-403 is amended to read:

138 **17-27a-403. Plan preparation.**

139 (1) (a) The planning commission shall provide notice, as provided in Section  
140 17-27a-203, of its intent to make a recommendation to the county legislative body for a general  
141 plan or a comprehensive general plan amendment when the planning commission initiates the  
142 process of preparing its recommendation.

143 (b) The planning commission shall make and recommend to the legislative body a  
144 proposed general plan for:

145 (i) the unincorporated area within the county; or

146 (ii) if the planning commission is a planning commission for a mountainous planning  
147 district, the mountainous planning district.

148 (c) (i) The plan may include planning for incorporated areas if, in the planning  
149 commission's judgment, they are related to the planning of the unincorporated territory or of  
150 the county as a whole.

151 (ii) Elements of the county plan that address incorporated areas are not an official plan

152 or part of a municipal plan for any municipality, unless it is recommended by the municipal  
153 planning commission and adopted by the governing body of the municipality.

154 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous  
155 planning district, the plan for the mountainous planning district controls and precedes a  
156 municipal plan, if any, to which the property would be subject.

157 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,  
158 and descriptive and explanatory matter, shall include the planning commission's  
159 recommendations for the following plan elements:

160 (i) a land use element that:

161 (A) designates the long-term goals and the proposed extent, general distribution, and  
162 location of land for housing, business, industry, agriculture, recreation, education, public  
163 buildings and grounds, open space, and other categories of public and private uses of land as  
164 appropriate; and

165 (B) may include a statement of the projections for and standards of population density  
166 and building intensity recommended for the various land use categories covered by the plan;

167 (ii) a transportation and traffic circulation element consisting of the general location  
168 and extent of existing and proposed freeways, arterial and collector streets, mass transit, and  
169 any other modes of transportation that the planning commission considers appropriate, all  
170 correlated with the population projections and the proposed land use element of the general  
171 plan;

172 (iii) an estimate of the need for the development of additional moderate income  
173 housing within the unincorporated area of the county or the mountainous planning district, and  
174 a plan to provide a realistic opportunity to meet estimated needs for additional moderate  
175 income housing if long-term projections for land use and development occur; and

176 (iv) before [~~July 1, 2016~~] May 1, 2017, a resource management plan detailing the  
177 findings, objectives, and policies required by Subsection [17-27a-401\(3\)](#).

178 (b) In drafting the moderate income housing element, the planning commission:

179 (i) shall consider the Legislature's determination that counties should facilitate a  
180 reasonable opportunity for a variety of housing, including moderate income housing:

181 (A) to meet the needs of people desiring to live there; and

182 (B) to allow persons with moderate incomes to benefit from and fully participate in all

183 aspects of neighborhood and community life; and

184 (ii) may include an analysis of why the recommended means, techniques, or  
185 combination of means and techniques provide a realistic opportunity for the development of  
186 moderate income housing within the planning horizon, which means or techniques may include  
187 a recommendation to:

188 (A) rezone for densities necessary to assure the production of moderate income  
189 housing;

190 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the  
191 construction of moderate income housing;

192 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate  
193 income housing;

194 (D) consider county general fund subsidies to waive construction related fees that are  
195 otherwise generally imposed by the county;

196 (E) consider utilization of state or federal funds or tax incentives to promote the  
197 construction of moderate income housing;

198 (F) consider utilization of programs offered by the Utah Housing Corporation within  
199 that agency's funding capacity; and

200 (G) consider utilization of affordable housing programs administered by the  
201 Department of Workforce Services.

202 (c) In drafting the land use element, the planning commission shall:

203 (i) identify and consider each agriculture protection area within the unincorporated area  
204 of the county or mountainous planning district; and

205 (ii) avoid proposing a use of land within an agriculture protection area that is  
206 inconsistent with or detrimental to the use of the land for agriculture.

207 [~~(d) In drafting the resource management plan required under Section 17-27a-401, the~~  
208 ~~planning commission shall:]~~

209 [~~(i) identify any common interests the county shares with any other proximate county~~  
210 ~~with regards to the elements of the resource management plan as described in Subsection~~  
211 ~~17-27a-401(3)(b); and]~~

212 [~~(ii) coordinate with the other proximate county to establish, to the greatest extent~~  
213 ~~possible, consistent objectives and policies with regards to the common interests identified~~

214 ~~under Subsection (2)(d)(i):]~~

215 (3) The proposed general plan may include:

216 (a) an environmental element that addresses:

217 (i) to the extent not covered by the county's resource management plan, the protection,  
218 conservation, development, and use of natural resources, including the quality of air, forests,  
219 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;  
220 and

221 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
222 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
223 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
224 protection of watersheds and wetlands, and the mapping of known geologic hazards;

225 (b) a public services and facilities element showing general plans for sewage, water,  
226 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
227 police and fire protection, and other public services;

228 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and  
229 programs for:

230 (i) historic preservation;

231 (ii) the diminution or elimination of blight; and

232 (iii) redevelopment of land, including housing sites, business and industrial sites, and  
233 public building sites;

234 (d) an economic element composed of appropriate studies and forecasts, as well as an  
235 economic development plan, which may include review of existing and projected county  
236 revenue and expenditures, revenue sources, identification of basic and secondary industry,  
237 primary and secondary market areas, employment, and retail sales activity;

238 (e) recommendations for implementing all or any portion of the general plan, including  
239 the use of land use ordinances, capital improvement plans, community development and  
240 promotion, and any other appropriate action;

241 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2); and

242 (g) any other element the county considers appropriate.

243 Section 3. Section 17-27a-404 is amended to read:

244 **17-27a-404. Public hearing by planning commission on proposed general plan or**

245 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
246 **by legislative body.**

247 (1) (a) After completing its recommendation for a proposed general plan, or proposal to  
248 amend the general plan, the planning commission shall schedule and hold a public hearing on  
249 the proposed plan or amendment.

250 (b) The planning commission shall provide notice of the public hearing, as required by  
251 Section [17-27a-204](#).

252 (c) After the public hearing, the planning commission may modify the proposed  
253 general plan or amendment.

254 (2) The planning commission shall forward the proposed general plan or amendment to  
255 the legislative body.

256 (3) (a) As provided by local ordinance and by Section [17-27a-204](#), the legislative body  
257 shall provide notice of its intent to consider the general plan proposal.

258 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative  
259 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan  
260 regarding Subsection [17-27a-401](#)(4). The hearing procedure shall comply with this Subsection  
261 (3)(b).

262 (ii) The hearing format shall allow adequate time for public comment at the actual  
263 public hearing, and shall also allow for public comment in writing to be submitted to the  
264 legislative body for not fewer than 90 days after the date of the public hearing.

265 (c) (i) The legislative body shall give notice of the hearing in accordance with this  
266 Subsection (3) when the proposed plan provisions required by Subsection [17-27a-401](#)(4) are  
267 complete.

268 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of  
269 the state Legislature, executive director of the Department of Environmental Quality, the state  
270 planning coordinator, the Resource Development Coordinating Committee, and any other  
271 citizens or entities who specifically request notice in writing.

272 (iii) Public notice shall be given by publication:

273 (A) in at least one major Utah newspaper having broad general circulation in the state;

274 (B) in at least one Utah newspaper having a general circulation focused mainly on the  
275 county where the proposed high-level nuclear waste or greater than class C radioactive waste

276 site is to be located; and

277 (C) on the Utah Public Notice Website created in Section 63F-1-701.

278 (iv) The notice shall be published to allow reasonable time for interested parties and  
279 the state to evaluate the information regarding the provisions of Subsection 17-27a-401(4),  
280 including:

281 (A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before  
282 the date of the hearing to be held under this Subsection (3); and

283 (B) publication described in Subsection (3)(c)(iii)(B) or (C) for 180 days before the  
284 date of the hearing to be held under this Subsection (3).

285 (4) (a) After the public hearing required under this section, the legislative body may  
286 make any revisions to the proposed general plan that it considers appropriate.

287 (b) The legislative body shall respond in writing and in a substantive manner to all  
288 those providing comments as a result of the hearing required by Subsection (3).

289 (5) (a) The county legislative body may adopt or reject the proposed general plan or  
290 amendment either as proposed by the planning commission or after making any revision the  
291 county legislative body considers appropriate.

292 (b) If the county legislative body rejects the proposed general plan or amendment, it  
293 may provide suggestions to the planning commission for its consideration.

294 (6) The legislative body shall adopt:

295 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

296 (b) a transportation and traffic circulation element as provided in Subsection  
297 17-27a-403(2)(a)(ii);

298 (c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to  
299 provide a realistic opportunity to meet estimated needs for additional moderate income housing  
300 if long-term projections for land use and development occur; and

301 (d) before [~~January 1, 2017~~] August 1, 2017, a resource management plan as provided  
302 by Subsection 17-27a-403(2)(a)(iv).

303 Section 4. Section 63J-4-607 is amended to read:

304 **63J-4-607. Resource management plan administration.**

305 (1) The office shall consult with the Commission for the Stewardship of Public Lands  
306 before expending funds appropriated by the Legislature for the implementation of this section.

307 (2) To the extent that the Legislature appropriates sufficient funding, the office ~~[shall]~~  
308 may procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah  
309 Procurement Code, to assist the office with the office's responsibilities described in Subsection  
310 (3).

311 (3) The office shall:

312 (a) assist each county with the creation of the county's resource management plan by:

313 (i) consulting with the county on policy and legal issues related to the county's resource  
314 management plan; and

315 (ii) helping the county ensure that the county's resource management plan meets the  
316 requirements of Subsection 17-27a-401(3); ~~[and]~~

317 ~~[(iii) facilitating coordination between counties as required by Subsection~~  
318 ~~17-27a-403(2)(d);]~~

319 (b) ~~[to the greatest extent possible,]~~ promote ~~[consistent]~~ quality standards among all  
320 counties' resource management plans; and

321 ~~[(c) calculate the estimated cost of providing the services described in this section to~~  
322 ~~each county.]~~

323 (c) upon submission by a county, review and verify the county's:

324 (i) estimated cost for creating a resource management plan; and

325 (ii) actual cost for creating a resource management plan.

326 (4) (a) A county shall cooperate with the office, or an entity procured by the office  
327 under Subsection (2), with regards to the office's responsibilities under Subsection (3).

328 ~~[(b) A county that receives assistance from the office under this section shall place a~~  
329 ~~deposit with the office in an amount equal to 50% of the estimated cost calculated under~~  
330 ~~Subsection (3)(c).]~~

331 (b) To the extent that the Legislature appropriates sufficient funding, the office may, in  
332 accordance with Subsection (4)(c), provide funding to a county before the county completes a  
333 resource management plan.

334 (c) The office may provide pre-completion funding described in Subsection (4)(b):

335 (i) after:

336 (A) the county submits an estimated cost for completing the resource management plan  
337 to the office; and

338 (B) the office reviews and verifies the estimated cost in accordance with Subsection  
 339 (3)(c)(i); and

340 (ii) in an amount up to:

341 (A) 50% of the estimated cost of completing the resource management plan, verified  
 342 by the office; or

343 (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.

344 ~~[(e)]~~ (d) To the extent that the Legislature appropriates sufficient funding, the office  
 345 shall [reimburse] provide funding to a county in the amount described in Subsection (4)[(d)]  
 346 when](e) after:

347 (i) a county's resource management plan:

348 ~~[(i)]~~ (A) meets the requirements described in Subsection 17-27a-401(3); and

349 ~~[(ii)]~~ (B) is adopted under Subsection 17-27a-404(6)(d)[-];

350 (ii) the county submits the actual cost of completing the resource management plan to  
 351 the office; and

352 (iii) the office reviews and verifies the actual cost in accordance with Subsection  
 353 (3)(c)(ii).

354 ~~[(d)]~~ (e) The office shall [reimburse] provide funding to a county under Subsection  
 355 (4)[(e)](d) in an amount equal to the difference between:

356 (i) the lesser of:

357 ~~[(i)]~~ (A) the actual cost [estimated under Subsection (3)(e)] of completing the resource  
 358 management plan, verified by the office; or

359 ~~[(ii)]~~ (B) \$50,000[-]; and

360 (ii) the amount of any pre-completion funding that the county received under  
 361 Subsections (4)(b) and (c).

362 (5) To the extent that the Legislature appropriates sufficient funding, after the deadline  
 363 established in Subsection 17-27a-404(6)(d) for a county to adopt a resource management plan,  
 364 the office shall:

365 (a) obtain a copy of each county's resource management plan; ~~[and]~~

366 (b) create a statewide resource management plan that:

367 (i) meets the same requirements described in Subsection 17-27a-401(3)~~[(a)]~~; and

368 (ii) to the ~~[greatest]~~ extent reasonably possible, coordinates and is consistent with any

369 resource management plan or land use plan established under Chapter 8, State of Utah  
370 Resource Management Plan for Federal Lands[-]; and

371 (c) submit a copy of the statewide resource management plan to the Commission for  
372 the Stewardship of Public Lands for review.

373 (6) Following review of the statewide resource management plan, the Commission for  
374 the Stewardship of Public Lands shall prepare a concurrent resolution approving the statewide  
375 resource management plan for consideration during the 2018 General Session.

376 [~~6~~] (7) To the extent that the Legislature appropriates sufficient funding, the office  
377 shall provide legal support to a county that becomes involved in litigation with the federal  
378 government over the requirements of Subsection 17-27a-405(3).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**