

Representative Mike Schultz proposes the following substitute bill:

MOUNTAINOUS PLANNING DISTRICT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies provisions relating to mountainous planning districts.

Highlighted Provisions:

This bill:

- ▶ addresses municipal jurisdiction over mountainous planning districts;
- ▶ modifies the number of board members of a planning commission that are required to have ties to a mountainous planning district;
- ▶ reduces the areas that a municipal legislative body may designate as a mountainous planning district;
- ▶ enacts and amends repeal dates for provisions relating to mountainous planning districts; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

⌘→ This bill provides a coordination clause. ←⌘

Utah Code Sections Affected:

AMENDS:



- 26 10-9a-304, as last amended by Laws of Utah 2015, Chapter 465
- 27 17-27a-301, as last amended by Laws of Utah 2016, Chapter 411
- 28 17-27a-901, as last amended by Laws of Utah 2016, Chapter 411
- 29 63I-2-210, as last amended by Laws of Utah 2016, Chapter 14
- 30 63I-2-217, as last amended by Laws of Utah 2016, Chapters 348 and 411

31 **Utah Code Sections Affected by Revisor Instructions:**

- 32 63I-2-217, as last amended by Laws of Utah 2016, Chapters 348 and 411

32a **H→ Utah Code Sections Affected by Coordination Clause:**

- 32b 63I-2-210, as last amended by Laws of Utah 2016, Chapter 14 ←H



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

35 Section 1. Section 10-9a-304 is amended to read:

36 **10-9a-304. State and federal property -- Mountainous planning district.**

37 (1) Unless otherwise provided by law, nothing contained in this chapter may be
38 construed as giving a municipality jurisdiction over property owned by the state or the United
39 States.

40 (2) (a) Except as provided in Subsection (2)(b), for purposes of this chapter, a
41 municipality, a municipal planning commission, or a municipal land use authority does not
42 have jurisdiction over property located within a mountainous planning district, as that term is
43 defined in Section 17-27a-103.

44 (b) Subsection (2)(a) does not apply to a municipality if:

45 (i) (A) the municipality is wholly located within the boundaries of a mountainous
46 planning district; and

47 (B) the municipality was incorporated before 1971;

48 (ii) the municipality exercises the municipality's extraterritorial jurisdiction under
49 Section 10-8-15; or

50 (iii) subject to Subsection (2)(c), a local health authority has granted the municipality
51 joint authority to regulate the municipality's watershed areas.

52 (c) The exception under Subsection (2)(b)(iii) applies only for matters related to
53 regulation of the watershed within a watershed area.

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

55 **17-27a-301. Ordinance establishing planning commission required -- Exception --**
56 **Ordinance requirements -- Planning advisory area planning commission --**

181 planning district is included within the mountainous planning district boundaries; and

182 (B) property within the municipality that is also within the mountainous planning
183 district is subject to the authority of the mountainous planning district.

184 (iii) A subdivision and zoning ordinance that governs property located within a
185 mountainous planning district shall control over any subdivision or zoning ordinance, as
186 applicable, that a municipality may adopt.

187 (iv) A county shall allow an area within the boundaries of a mountainous planning
188 district to withdraw from the mountainous planning district if:

189 (A) the area contains less than 100 acres;

190 (B) the area is annexed to a city in accordance with Title 10, Chapter 2, Part 4,
191 Annexation;

192 (C) the county determines that the area does not contain United States Forest Service
193 land or land that is designated as watershed; and

194 (D) the county determines that the area is not used by individuals for recreational
195 purposes.

196 (v) An area described in Subsection (1)(b)(iv) that withdraws from a mountainous
197 planning district is not subject to the authority of the mountainous planning district.

198 (c) The population figure under Subsection (1)(a)(iii) shall be derived from a
199 population estimate by the Utah Population Estimates Committee.

200 (d) If any portion of a proposed mountainous planning district includes a municipality
201 with a land base of five square miles or less, the county shall ensure that all of that municipality
202 is wholly located within the boundaries of the mountainous planning district.

203 (2) (a) Notwithstanding Subsection 10-9a-102(2), 17-34-1(2)(a), or 17-50-302(1)(b), or
204 Section 17-50-314, a county may adopt a general plan and adopt a zoning or subdivision
205 ordinance for a property that is located within:

206 (i) a mountainous planning district; and

207 (ii) a municipality.

208 (b) A county plan or zoning or subdivision ordinance governs a property described in
209 Subsection (2)(a).

209a **Ĥ→ (3) A planning commission with jurisdiction over a mountain planning district in a county**
209b **of the first class shall submit a report that summarizes actions the planning commission has**
209c **taken and any recommendations regarding the mountainous planing district to the**
209d **Legislature's Natural Resources, Agriculture, and Environment Interim Committee by no later**
209e **than November 30 of each year. ←Ĥ**

210 Section 4. Section 63I-2-210 is amended to read:

211 **63I-2-210. Repeal dates -- Title 10.**

243 district" is repealed June 1, [2017] 2020.

244 (9) Subsection 17-27a-502(1)(d)(i)(B) is repealed June 1, [2017] 2020.

245 (10) Subsection 17-27a-505.5(2)(a)(iii) is repealed June 1, [2017] 2020.

246 (11) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
247 mountainous planning district, the mountainous planning district" is repealed June 1, [2017]
248 2020.

249 (12) Subsection 17-27a-604(1)(b)(i)(B) is repealed June 1, [2017] 2020.

250 (13) Subsection 17-27a-605(1), the language that states "or mountainous planning
251 district land" is repealed June 1, [2017] 2020.

252 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
253 [2017] 2020.

254 (15) On June 1, [2016] 2020, when making the changes in this section, the Office of
255 Legislative Research and General Counsel shall:

256 (a) in addition to its authority under Subsection 36-12-12(3), make corrections
257 necessary to ensure that sections and subsections identified in this section are complete
258 sentences and accurately reflect the office's [perception] understanding of the Legislature's
259 intent; and

260 (b) identify the text of the affected sections and subsections based upon the section and
261 subsection numbers used in [~~Laws of Utah 2015, Chapter 465~~] this bill.

262 Section 6. **Revisor instructions.**

263 The Legislature intends that the Office of Legislative Research and General Counsel, in
264 preparing the Utah Code database for publication, replace the language "this bill" in Subsection
265 63I-2-217(15)(b) with the bill's designated chapter number in the Laws of Utah.

265a **Ĥ→ Section 7. Coordinating H.B. 293 with H.B. 193 and H.B. 408 -- Superseding technical and**
265b **substantive amendments.**

265c **If this H.B. 293, H.B. 193, Revisor's Technical Corrections to Utah Code, and H.B. 408, State**
265d **Property and School and Institutional Trust Land Amendments, all pass and become law, it is**
265e **the intent of the Legislature that the amendments to Section 63I-2-210 in this bill supersede the**
265f **amendments to Section 63I-2-210 in H.B. 193 and H.B. 408, when the Office of Legislative**
265g **Research and General Counsel prepares the Utah Code database for publication. ←Ĥ**