

Effective 5/12/2015

**Part 9
Mountainous Planning District**

17-27a-901 Mountainous planning district.

- (1)
- (a) The legislative body of a county of the first class may adopt an ordinance designating an area located within the county as a mountainous planning district if the legislative body determines that:
 - (i) the area is primarily used for recreational purposes, including canyons, foothills, ski resorts, wilderness areas, lakes and reservoirs, campgrounds, or picnic areas;
 - (ii) the area is used by residents of the county who live inside and outside the limits of a municipality;
 - (iii) the total resident population in the proposed mountainous planning district is equal to or less than 5% of the population of the county; and
 - (iv) the area is within the unincorporated area of the county or was within the unincorporated area of the county before May 12, 2015.
 - (b)
 - (i) A mountainous planning district may include within its boundaries a municipality, whether in whole or in part.
 - (ii) Except as provided in Subsection (1)(b)(iv), if a mountainous planning district includes within its boundaries an unincorporated area, and that area subsequently incorporates as a municipality:
 - (A) the area of the incorporated municipality that is located in the mountainous planning district is included within the mountainous planning district boundaries; and
 - (B) property within the municipality that is also within the mountainous planning district is subject to the authority of the mountainous planning district.
 - (iii) A subdivision and zoning ordinance that governs property located within a mountainous planning district shall control over any subdivision or zoning ordinance, as applicable, that a municipality may adopt.
 - (iv) A county shall allow an area within the boundaries of a mountainous planning district to withdraw from the mountainous planning district if:
 - (A) the area contains less than 100 acres;
 - (B) the area is annexed to a city in accordance with Title 10, Chapter 2, Part 4, Annexation;
 - (C) the county determines that the area does not contain United States Forest Service land or land that is designated as watershed; and
 - (D) the county determines that the area is not used by individuals for recreational purposes.
 - (v) An area described in Subsection (1)(b)(iv) that withdraws from a mountainous planning district is not subject to the authority of the mountainous planning district.
 - (c) The population figure under Subsection (1)(a)(iii) shall be derived from a population estimate by the Utah Population Estimates Committee.
 - (d) If any portion of a proposed mountainous planning district includes a municipality with a land base of five square miles or less, the county shall ensure that all of that municipality is wholly located within the boundaries of the mountainous planning district.

(2)

- (a) Notwithstanding Subsection 10-9a-102(2), 17-34-1(2)(a), or 17-50-302(1)(b), or Section 17-50-314, a county may adopt a general plan and adopt a zoning or subdivision ordinance for a property that is located within:
 - (i) a mountainous planning district; and
 - (ii) a municipality.
- (b) A county plan or zoning or subdivision ordinance governs a property described in Subsection (2)(a).

Amended by Chapter 411, 2016 General Session