

Representative Brad L. Dee proposes the following substitute bill:

PLANNING DISTRICT AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill authorizes the creation and governance of a mountainous planning district.

Highlighted Provisions:

This bill:

- ▶ excludes, with certain exceptions, any area located within a mountainous planning district from the land use jurisdiction, including the general plan, of a municipality;
 - ▶ defines terms;
 - ▶ authorizes a county to establish a planning commission for a mountainous planning district;
 - ▶ amends other applicable provisions of Title 17, Chapter 27a, County Land Use, Development, and Management Act;
 - ▶ authorizes a county to designate a mountainous planning district under certain circumstances;
- H**→ [~~→ prohibits the incorporation of a city or town within a mountainous planning district;~~] ←**H**
- and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

1st Sub. H.B. 351



243 designated by the local legislative body to act upon a land use application; or

244 (b) if the local legislative body has not designated a person, board, commission,
245 agency, or body, the local legislative body.

246 (28) "Land use ordinance" means a planning, zoning, development, or subdivision
247 ordinance of the county, but does not include the general plan.

248 (29) "Land use permit" means a permit issued by a land use authority.

249 (30) "Legislative body" means the county legislative body, or for a county that has
250 adopted an alternative form of government, the body exercising legislative powers.

251 (31) "Local district" means any entity under Title 17B, Limited Purpose Local
252 Government Entities - Local Districts, and any other governmental or quasi-governmental
253 entity that is not a county, municipality, school district, or the state.

254 (32) "Lot line adjustment" means the relocation of the property boundary line in a
255 subdivision between two adjoining lots with the consent of the owners of record.

256 (33) "Moderate income housing" means housing occupied or reserved for occupancy
257 by households with a gross household income equal to or less than 80% of the median gross
258 income for households of the same size in the county in which the housing is located.

259 (34) "Mountainous planning district" means an area ~~H~~ :

259a (a) ~~H~~ designated by a county legislative

260 body in accordance with Section 17-27a-901 ~~H~~ [:] ; and

260a (b) that is not otherwise exempt under Subsection 10-9a-304(2)(b). ~~H~~

261 [~~34~~] (35) "Nominal fee" means a fee that reasonably reimburses a county only for
262 time spent and expenses incurred in:

263 (a) verifying that building plans are identical plans; and

264 (b) reviewing and approving those minor aspects of identical plans that differ from the
265 previously reviewed and approved building plans.

266 [~~35~~] (36) "Noncomplying structure" means a structure that:

267 (a) legally existed before its current land use designation; and

268 (b) because of one or more subsequent land use ordinance changes, does not conform
269 to the setback, height restrictions, or other regulations, excluding those regulations that govern
270 the use of land.

271 [~~36~~] (37) "Nonconforming use" means a use of land that:

272 (a) legally existed before its current land use designation;

273 (b) has been maintained continuously since the time the land use ordinance regulation

1049 (c) The population figure under Subsection (1)(a)(iii) shall be derived from a
1050 population estimate by the Utah Population Estimates Committee.

1050a **H→ (d) If any portion of a proposed mountainous planning district includes a municipality**
1050b **with a land base of five square miles or less, the county shall ensure that all of that**
1050c **municipality is wholly located within the boundaries of the mountainous planning district.** ←H

1051 **H→ [(2) If an unincorporated area of the county is located within a mountainous planning**
1052 **district, the area:**

1053 ~~—— (a) may be annexed by a municipality; and~~

1054 ~~—— (b) may not incorporate as a city or town.~~

1055 ~~—— (3)] (2) ←H~~ (a) Notwithstanding Subsection 10-9a-102(2), 17-34-1(2)(a), or
1055a 17-50-302(1)(b), or

1056 Section 17-50-314, a county may adopt a general plan and adopt a zoning or subdivision
1057 ordinance for a property that is located within:

1058 (i) a mountainous planning district; and

1059 (ii) a municipality.

1060 (b) A county plan or zoning or subdivision ordinance governs a property described in
1061 Subsection H→ [(4)] (2) ←H (a).