

29 AMENDS:

30 17-27a-401, as last amended by Laws of Utah 2015, Chapters 310 and 465

31 17-27a-403, as last amended by Laws of Utah 2015, Chapters 310 and 465

32 17-27a-404, as last amended by Laws of Utah 2015, Chapter 310

33 63J-4-607, as enacted by Laws of Utah 2015, Chapter 310



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

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

37 17-27a-401. **General plan required -- Content -- Resource management plan --**
38 **Provisions related to radioactive waste facility.**

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

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

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

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

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

48 (2) ~~[The]~~ To promote health, safety, and welfare, the general plan may provide for:

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

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

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

54 (i) food and water; and

55 (ii) drainage, sanitary, and other facilities and resources;

56 (d) the use of energy conservation and solar and renewable energy resources;

- 57 (e) the protection of urban development;
- 58 (f) the protection or promotion of moderate income housing;
- 59 (g) the protection and promotion of air quality;
- 60 (h) historic preservation;
- 61 (i) identifying future uses of land that are likely to require an expansion or significant
- 62 modification of services or facilities provided by each affected entity; and
- 63 (j) an official map.

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

- 68 (b) The resource management plan shall address:
- 69 [~~(i) be centered on the following core resources:~~]
- 70 [~~(A) energy;~~]
- 71 [~~(B) air; and~~]
- 72 [~~(C) water; and~~]
- 73 [~~(ii) contain detailed plans regarding:~~]
- 74 [~~(A)~~] (i) mining;
- 75 [~~(B)~~] (ii) land use;
- 76 [~~(C)~~] (iii) livestock and grazing;
- 77 [~~(D)~~] (iv) irrigation;
- 78 [~~(E)~~] (v) agriculture;
- 79 [~~(F)~~] (vi) fire management;
- 80 [~~(G)~~] (vii) noxious weeds;
- 81 [~~(H)~~] (viii) forest management;
- 82 [~~(I)~~] (ix) water rights;
- 83 [~~(J)~~] (x) ditches and canals;
- 84 [~~(K)~~] (xi) water quality and hydrology;

- 85 [~~(L)~~] (xii) flood plains and river terraces;
- 86 [~~(M)~~] (xiii) wetlands;
- 87 [~~(N)~~] (xiv) riparian areas;
- 88 [~~(O)~~] (xv) predator control;
- 89 [~~(P)~~] (xvi) wildlife;
- 90 [~~(Q)~~] (xvii) fisheries;
- 91 [~~(R)~~] (xviii) recreation and tourism;
- 92 [~~(S)~~] (xix) energy resources;
- 93 [~~(T)~~] (xx) mineral resources;
- 94 [~~(U)~~] (xxi) cultural, historical, geological, and paleontological resources;
- 95 [~~(V)~~] (xxii) wilderness;
- 96 [~~(W)~~] (xxiii) wild and scenic rivers;
- 97 [~~(X)~~] (xxiv) threatened, endangered, and sensitive species;
- 98 [~~(Y)~~] (xxv) land access;
- 99 [~~(Z)~~] (xxvi) law enforcement; [~~and~~]
- 100 [~~(AA)~~] (xxvii) economic considerations[-]; and
- 101 (xxviii) air.

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

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

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

113 proposed site upon the health and general welfare of citizens of the state, and shall provide:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

141 **17-27a-403. Plan preparation.**

142 (1) (a) The planning commission shall provide notice, as provided in Section
143 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
144 plan or a comprehensive general plan amendment when the planning commission initiates the
145 process of preparing its recommendation.

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

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

149 (ii) if the planning commission is a planning commission for a mountainous planning
150 district, the mountainous planning district.

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

154 (ii) Elements of the county plan that address incorporated areas are not an official plan
155 or part of a municipal plan for any municipality, unless it is recommended by the municipal
156 planning commission and adopted by the governing body of the municipality.

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

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

163 (i) a land use element that:

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

168 (B) may include a statement of the projections for and standards of population density

169 and building intensity recommended for the various land use categories covered by the plan;

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

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

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

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

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

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

185 (B) to allow persons with moderate incomes to benefit from and fully participate in all
186 aspects of neighborhood and community life; and

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

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

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

195 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate
196 income housing;

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

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

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

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

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

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

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

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

212 ~~[(i) identify any common interests the county shares with any other proximate county~~
213 ~~with regards to the elements of the resource management plan as described in Subsection~~
214 ~~17-27a-401(3)(b); and]~~

215 ~~[(ii) coordinate with the other proximate county to establish, to the greatest extent~~
216 ~~possible, consistent objectives and policies with regards to the common interests identified~~
217 ~~under Subsection (2)(d)(i).]~~

218 (3) The proposed general plan may include:

219 (a) an environmental element that addresses:

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

224 (ii) the reclamation of land, flood control, prevention and control of the pollution of

225 streams and other waters, regulation of the use of land on hillsides, stream channels and other
226 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
227 protection of watersheds and wetlands, and the mapping of known geologic hazards;

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

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

233 (i) historic preservation;

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

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

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

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

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

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

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

247 **17-27a-404. Public hearing by planning commission on proposed general plan or**
248 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
249 **by legislative body.**

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

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

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

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

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

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

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

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

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

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

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

277 (B) in at least one Utah newspaper having a general circulation focused mainly on the
278 county where the proposed high-level nuclear waste or greater than class C radioactive waste
279 site is to be located; and

280 (C) on the Utah Public Notice Website created in Section [63F-1-701](#).

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

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

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

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

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

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

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

297 (6) The legislative body shall adopt:

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

299 (b) a transportation and traffic circulation element as provided in Subsection
300 17-27a-403(2)(a)(ii);

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

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

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

307 **63J-4-607. Resource management plan administration.**

308 (1) The office shall consult with the Commission for the Stewardship of Public Lands

309 before expending funds appropriated by the Legislature for the implementation of this section.

310 (2) To the extent that the Legislature appropriates sufficient funding, the office ~~[shall]~~
311 may procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah
312 Procurement Code, to assist the office with the office's responsibilities described in Subsection
313 (3).

314 (3) The office shall:

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

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

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

320 ~~[(iii) facilitating coordination between counties as required by Subsection~~
321 ~~17-27a-403(2)(d);]~~

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

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

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

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

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

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

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

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

337 (c) The office may provide pre-completion funding described in Subsection (4)(b):
338 (i) after:
339 (A) the county submits an estimated cost for completing the resource management plan
340 to the office; and
341 (B) the office reviews and verifies the estimated cost in accordance with Subsection
342 (3)(c)(i); and
343 (ii) in an amount up to:
344 (A) 50% of the estimated cost of completing the resource management plan, verified
345 by the office; or
346 (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.
347 ~~[(c)]~~ (d) To the extent that the Legislature appropriates sufficient funding, the office
348 shall ~~[reimburse]~~ provide funding to a county in the amount described in Subsection (4)~~[(d)]~~
349 when~~]~~(e) after:
350 (i) a county's resource management plan:
351 ~~[(i)]~~ (A) meets the requirements described in Subsection 17-27a-401(3); and
352 ~~[(i)]~~ (B) is adopted under Subsection 17-27a-404(6)(d)~~[-];~~
353 (ii) the county submits the actual cost of completing the resource management plan to
354 the office; and
355 (iii) the office reviews and verifies the actual cost in accordance with Subsection
356 (3)(c)(ii).
357 ~~[(d)]~~ (e) The office shall ~~[reimburse]~~ provide funding to a county under Subsection
358 (4)~~[(c)]~~(d) in an amount equal to the difference between:
359 (i) the lesser of:
360 ~~[(i)]~~ (A) the actual cost ~~[estimated under Subsection (3)(c)]~~ of completing the resource
361 management plan, verified by the office; or
362 ~~[(ii)]~~ (B) \$50,000~~[-];~~ and
363 (ii) the amount of any pre-completion funding that the county received under
364 Subsections (4)(b) and (c).

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

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

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

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

371 (ii) to the [~~greatest~~] extent reasonably possible, coordinates and is consistent with any
372 resource management plan or land use plan established under Chapter 8, State of Utah
373 Resource Management Plan for Federal Lands[-]; and

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

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

379 [~~(6)~~] (7) To the extent that the Legislature appropriates sufficient funding, the office
380 shall provide legal support to a county that becomes involved in litigation with the federal
381 government over the requirements of Subsection 17-27a-405(3).