

**Representative Mike Schultz** proposes the following substitute bill:

**MOUNTAINOUS PLANNING DISTRICT AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Schultz**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to mountainous planning districts.

**Highlighted Provisions:**

This bill:

- ▶ modifies the areas that a municipal legislative body may designate as a mountainous planning district;
- ▶ 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.

**Utah Code Sections Affected:**

AMENDS:

**17-27a-901**, as last amended by Laws of Utah 2016, Chapter 411

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

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

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



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

Section 1. Section **17-27a-901** is amended to read:

**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 within the Wasatch Range;

(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[-]; and

(v) the area includes land designated as part of a national forest on or before May 9, 2017.

(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

57 district to withdraw from the mountainous planning district if:

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

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

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

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

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

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

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

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

75 (i) a mountainous planning district; and

76 (ii) a municipality.

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

79 Section 2. Section 63I-2-217 is amended to read:

80 **63I-2-217. Repeal dates -- Title 17.**

81 (1) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous  
82 planning district" is repealed June 1, [2017] 2020.

83 (2) (a) Subsection 17-27a-103(15)(b) is repealed June 1, [2017] 2020.

84 (b) Subsection 17-27a-103(34) is repealed June 1, [2017] 2020.

85 (3) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning  
86 district area" is repealed June 1, [2017] 2020.

87 (4) (a) Subsection 17-27a-301(1)(b)(iii) is repealed June 1, [2017] 2020.

- 88 (b) Subsection 17-27a-301(1)(c) is repealed June 1, [2017] 2020.
- 89 (c) Subsection 17-27a-301(2)(a), the language that states "described in Subsection  
90 (1)(a) or (c)" is repealed June 1, [2017] 2020.
- 91 (5) Subsection 17-27a-302(1), the language that states ", or mountainous planning  
92 district" and "or the mountainous planning district," is repealed June 1, [2017] 2020.
- 93 (6) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning  
94 district or" and ", as applicable" is repealed June 1, [2017] 2020.
- 95 (7) (a) Subsection 17-27a-401(1)(b)(ii) is repealed June 1, [2017] 2020.
- 96 (b) Subsection 17-27a-401(6) is repealed June 1, [2017] 2020.
- 97 (8) (a) Subsection 17-27a-403(1)(b)(ii) is repealed June 1, [2017] 2020.
- 98 (b) Subsection 17-27a-403(1)(c)(iii) is repealed June 1, [2017] 2020.
- 99 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning  
100 district" is repealed June 1, [2017] 2020.
- 101 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning  
102 district" is repealed June 1, [2017] 2020.
- 103 (9) Subsection 17-27a-502(1)(d)(i)(B) is repealed June 1, [2017] 2020.
- 104 (10) Subsection 17-27a-505.5(2)(a)(iii) is repealed June 1, [2017] 2020.
- 105 (11) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a  
106 mountainous planning district, the mountainous planning district" is repealed June 1, [2017]  
107 2020.
- 108 (12) Subsection 17-27a-604(1)(b)(i)(B) is repealed June 1, [2017] 2020.
- 109 (13) Subsection 17-27a-605(1), the language that states "or mountainous planning  
110 district land" is repealed June 1, [2017] 2020.
- 111 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,  
112 [2017] 2020.
- 113 (15) On June 1, [2016] 2020, when making the changes in this section, the Office of  
114 Legislative Research and General Counsel shall:
- 115 (a) in addition to its authority under Subsection 36-12-12(3), make corrections  
116 necessary to ensure that sections and subsections identified in this section are complete  
117 sentences and accurately reflect the office's [perception] understanding of the Legislature's  
118 intent; and

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

121 Section 3. **Revisor instructions.**

122 The Legislature intends that the Office of Legislative Research and General Counsel, in  
123 preparing the Utah Code database for publication, replace the language "this bill" in Subsection  
124 [63I-2-217](#)(15)(b) with the bill's designated chapter number in the Laws of Utah.