

## HB0293S01 compared with HB0293

~~{deleted text}~~ shows text that was in HB0293 but was deleted in HB0293S01.

Inserted text shows text that was not in HB0293 but was inserted into HB0293S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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:

- ▶ ~~{removes a repeal date}~~ 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:

~~{None}~~ This bill provides revisor instructions.

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### 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

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(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).

Section ~~17-2~~2. Section **63I-2-217** is amended to read:

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

(1) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous

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planning district" is repealed June 1, ~~[2017]~~ 2020.

(2) (a) Subsection 17-27a-103(15)(b) is repealed June 1, ~~[2017]~~ 2020.

(b) Subsection 17-27a-103(34) is repealed June 1, ~~[2017]~~ 2020.

(3) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning district area" is repealed June 1, ~~[2017]~~ 2020.

(4) (a) Subsection 17-27a-301(1)(b)(iii) is repealed June 1, ~~[2017]~~ 2020.

(b) Subsection 17-27a-301(1)(c) is repealed June 1, ~~[2017]~~ 2020.

(c) Subsection 17-27a-301(2)(a), the language that states "described in Subsection (1)(a) or (c)" is repealed June 1, ~~[2017]~~ 2020.

(5) Subsection 17-27a-302(1), the language that states ", or mountainous planning district" and "or the mountainous planning district," is repealed June 1, ~~[2017]~~ 2020.

(6) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning district or" and ", as applicable" is repealed June 1, ~~[2017]~~ 2020.

(7) (a) Subsection 17-27a-401(1)(b)(ii) is repealed June 1, ~~[2017]~~ 2020.

(b) Subsection 17-27a-401(6) is repealed June 1, ~~[2017]~~ 2020.

(8) (a) Subsection 17-27a-403(1)(b)(ii) is repealed June 1, ~~[2017]~~ 2020.

(b) Subsection 17-27a-403(1)(c)(iii) is repealed June 1, ~~[2017]~~ 2020.

(c) Subsection (2)(a)(iii), the language that states "or the mountainous planning district" is repealed June 1, ~~[2017]~~ 2020.

(d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning district" is repealed June 1, ~~[2017]~~ 2020.

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

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

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

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

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

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

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~~§(15)~~~~§(14)~~ On June 1, ~~[2016]~~ 2020, when making the changes in this section, the Office of Legislative Research and General Counsel shall:

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

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

### **Legislative Review Note**

~~§~~ this bill.

#### **Section 3. Revisor instructions.**

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