

**Representative Joel K. Briscoe** proposes the following substitute bill:

**COUNTY RECREATIONAL AREA AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Keven J. Stratton

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**LONG TITLE**

**General Description:**

This bill amends provisions related to certain county recreational areas.

**Highlighted Provisions:**

This bill:

- ▶ modifies provisions related to the appointment of members in a mountainous planning district's planning commission;
- ▶ modifies provisions related to the general plan for a mountainous planning district;
- ▶ repeals provisions allowing a mountainous planning district to include a municipality within the mountainous planning district's boundaries;
- ▶ repeals certain reporting requirements for a county planning commission with jurisdiction over a mountainous planning district;
- ▶ repeals the sunset dates for:
  - provisions related to mountainous planning districts; and
  - certain provisions related to a county's funding of municipal services in a designated recreational area; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **10-9a-304**, as last amended by Laws of Utah 2017, Chapter 448

31 **17-27a-103**, as last amended by Laws of Utah 2020, Chapter 434

32 **17-27a-301**, as last amended by Laws of Utah 2020, Chapter 114

33 **17-27a-401**, as last amended by Laws of Utah 2019, Chapter 327

34 **17-27a-403**, as last amended by Laws of Utah 2020, Chapter 136

35 **17-27a-901**, as last amended by Laws of Utah 2018, Chapter 330

36 **63I-2-210**, as last amended by Laws of Utah 2020, Chapter 136

37 **63I-2-217**, as last amended by Laws of Utah 2020, Chapters 47, 114, and 434



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

40 Section 1. Section **10-9a-304** is amended to read:

41 **10-9a-304. State and federal property.**

42 [(+) Unless otherwise provided by law, nothing contained in this chapter may be  
43 construed as giving a municipality jurisdiction over property owned by the state or the United  
44 States.

45 [(2)(a) Except as provided in Subsection (2)(b), for purposes of this chapter, a  
46 municipality, a municipal planning commission, or a municipal land use authority does not  
47 have jurisdiction over property located within a mountainous planning district, as that term is  
48 defined in Section ~~17-27a-103~~.]

49 [(b) Subsection (2)(a) does not apply to a municipality if:]

50 [(i) (A) the municipality is wholly located within the boundaries of a mountainous  
51 planning district; and]

52 [(B) the municipality was incorporated before 1971;]

53 [(ii) the municipality exercises the municipality's extraterritorial jurisdiction under  
54 Section ~~10-8-15~~; or]

55 [(iii) subject to Subsection (2)(c), a local health authority has granted the municipality  
56 joint authority to regulate the municipality's watershed areas.]

57 ~~[(c) The exception under Subsection (2)(b)(iii) applies only for matters related to~~  
58 ~~regulation of the watershed within a watershed area.]~~

59 Section 2. Section **17-27a-103** is amended to read:

60 **17-27a-103. Definitions.**

61 As used in this chapter:

62 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
63 detached from a primary single-family dwelling and contained on one lot.

64 (2) "Adversely affected party" means a person other than a land use applicant who:

65 (a) owns real property adjoining the property that is the subject of a land use  
66 application or land use decision; or

67 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
68 general community as a result of the land use decision.

69 (3) "Affected entity" means a county, municipality, local district, special service  
70 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
71 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
72 property owner, property ~~[owners]~~ owner's association, public utility, or the Utah Department  
73 of Transportation, if:

74 (a) the entity's services or facilities are likely to require expansion or significant  
75 modification because of an intended use of land;

76 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

77 or

78 (c) the entity has filed with the county a request for notice during the same calendar  
79 year and before the county provides notice to an affected entity in compliance with a  
80 requirement imposed under this chapter.

81 (4) "Affected owner" means the owner of real property that is:

82 (a) a single project;

83 (b) the subject of a land use approval that sponsors of a referendum timely challenged  
84 in accordance with Subsection [20A-7-601\(5\)\(a\)](#); and

85 (c) determined to be legally referable under Section [20A-7-602.8](#).

86 (5) "Appeal authority" means the person, board, commission, agency, or other body  
87 designated by ordinance to decide an appeal of a decision of a land use application or a

88 variance.

89 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
90 residential property if the sign is designed or intended to direct attention to a business, product,  
91 or service that is not sold, offered, or existing on the property where the sign is located.

92 (7) (a) "Charter school" means:

93 (i) an operating charter school;

94 (ii) a charter school applicant that ~~[has its application approved by]~~ a charter school  
95 authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School  
96 Authorization; or

97 (iii) an entity that is working on behalf of a charter school or approved charter  
98 applicant to develop or construct a charter school building.

99 (b) "Charter school" does not include a therapeutic school.

100 (8) "Chief executive officer" means the person or body that exercises the executive  
101 powers of the county.

102 (9) "Conditional use" means a land use that, because of ~~[its]~~ the unique characteristics  
103 or potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,  
104 may not be compatible in some areas or may be compatible only if certain conditions are  
105 required that mitigate or eliminate the detrimental impacts.

106 (10) "Constitutional taking" means a governmental action that results in a taking of  
107 private property so that compensation to the owner of the property is required by the:

108 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

109 (b) Utah Constitution, Article I, Section 22.

110 (11) "County utility easement" means an easement that:

111 (a) a plat recorded in a county recorder's office described as a county utility easement  
112 or otherwise as a utility easement;

113 (b) is not a protected utility easement or a public utility easement as defined in Section  
114 [54-3-27](#);

115 (c) the county or the county's affiliated governmental entity owns or creates; and

116 (d) (i) either:

117 (A) no person uses or occupies; or

118 (B) the county or the county's affiliated governmental entity uses and occupies to

119 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or  
120 communications or data lines; or

121 (ii) a person uses or occupies with or without an authorized franchise or other  
122 agreement with the county.

123 (12) "Culinary water authority" means the department, agency, or public entity with  
124 responsibility to review and approve the feasibility of the culinary water system and sources for  
125 the subject property.

126 (13) "Development activity" means:

127 (a) any construction or expansion of a building, structure, or use that creates additional  
128 demand and need for public facilities;

129 (b) any change in use of a building or structure that creates additional demand and need  
130 for public facilities; or

131 (c) any change in the use of land that creates additional demand and need for public  
132 facilities.

133 (14) (a) "Disability" means a physical or mental impairment that substantially limits  
134 one or more of a person's major life activities, including a person having a record of such an  
135 impairment or being regarded as having such an impairment.

136 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
137 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
138 Sec. 802.

139 (15) "Educational facility":

140 (a) means:

141 (i) a school district's building at which pupils assemble to receive instruction in a  
142 program for any combination of grades from preschool through grade 12, including  
143 kindergarten and a program for children with disabilities;

144 (ii) a structure or facility:

145 (A) located on the same property as a building described in Subsection (15)(a)(i); and

146 (B) used in support of the use of that building; and

147 (iii) a building to provide office and related space to a school district's administrative  
148 personnel; and

149 (b) does not include:

150 (i) land or a structure, including land or a structure for inventory storage, equipment  
151 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

152 (A) not located on the same property as a building described in Subsection (15)(a)(i);  
153 and

154 (B) used in support of the purposes of a building described in Subsection (15)(a)(i); or  
155 (ii) a therapeutic school.

156 (16) "Fire authority" means the department, agency, or public entity with responsibility  
157 to review and approve the feasibility of fire protection and suppression services for the subject  
158 property.

159 (17) "Flood plain" means land that:

160 (a) is within the 100-year flood plain designated by the Federal Emergency  
161 Management Agency; or

162 (b) has not been studied or designated by the Federal Emergency Management Agency  
163 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
164 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
165 Federal Emergency Management Agency.

166 (18) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

167 (19) "General plan" means a document that a county adopts that sets forth general  
168 guidelines for proposed future development of:

169 (a) the unincorporated land within the county; or

170 (b) for a mountainous planning district, the land within the mountainous planning  
171 district.

172 (20) "Geologic hazard" means:

173 (a) a surface fault rupture;

174 (b) shallow groundwater;

175 (c) liquefaction;

176 (d) a landslide;

177 (e) a debris flow;

178 (f) unstable soil;

179 (g) a rock fall; or

180 (h) any other geologic condition that presents a risk:

- 181 (i) to life;
- 182 (ii) of substantial loss of real property; or
- 183 (iii) of substantial damage to real property.
- 184 (21) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 185 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 186 system.
- 187 (22) "Identical plans" means building plans submitted to a county that:
- 188 (a) are clearly marked as "identical plans";
- 189 (b) are substantially identical building plans that were previously submitted to and
- 190 reviewed and approved by the county; and
- 191 (c) describe a building that:
- 192 (i) is located on land zoned the same as the land on which the building described in the
- 193 previously approved plans is located;
- 194 (ii) is subject to the same geological and meteorological conditions and the same law
- 195 as the building described in the previously approved plans;
- 196 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 197 and approved by the county; and
- 198 (iv) does not require any additional engineering or analysis.
- 199 (23) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 200 Impact Fees Act.
- 201 (24) "Improvement completion assurance" means a surety bond, letter of credit,
- 202 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 203 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 204 required as a condition precedent to:
- 205 (a) recording a subdivision plat; or
- 206 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 207 (25) "Improvement warranty" means an applicant's unconditional warranty that the
- 208 applicant's installed and accepted landscaping or infrastructure improvement:
- 209 (a) complies with the county's written standards for design, materials, and
- 210 workmanship; and
- 211 (b) will not fail in any material respect, as a result of poor workmanship or materials,

212 within the improvement warranty period.

213 (26) "Improvement warranty period" means a period:

214 (a) no later than one year after a county's acceptance of required landscaping; or

215 (b) no later than one year after a county's acceptance of required infrastructure, unless

216 the county:

217 (i) determines for good cause that a one-year period would be inadequate to protect the

218 public health, safety, and welfare; and

219 (ii) has substantial evidence, on record:

220 (A) of prior poor performance by the applicant; or

221 (B) that the area upon which the infrastructure will be constructed contains suspect soil

222 and the county has not otherwise required the applicant to mitigate the suspect soil.

223 (27) "Infrastructure improvement" means permanent infrastructure that is essential for

224 the public health and safety or that:

225 (a) is required for human consumption; and

226 (b) an applicant must install:

227 (i) in accordance with published installation and inspection specifications for public

228 improvements; and

229 (ii) as a condition of:

230 (A) recording a subdivision plat;

231 (B) obtaining a building permit; or

232 (C) developing a commercial, industrial, mixed use, condominium, or multifamily

233 project.

234 (28) "Internal lot restriction" means a platted note, platted demarcation, or platted

235 designation that:

236 (a) runs with the land; and

237 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on

238 the plat; or

239 (ii) designates a development condition that is enclosed within the perimeter of a lot

240 described on the plat.

241 (29) "Interstate pipeline company" means a person or entity engaged in natural gas

242 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under



243 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

244 (30) "Intrastate pipeline company" means a person or entity engaged in natural gas  
245 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
246 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

247 (31) "Land use applicant" means a property owner, or the property owner's designee,  
248 who submits a land use application regarding the property owner's land.

249 (32) "Land use application":

250 (a) means an application that is:

251 (i) required by a county; and

252 (ii) submitted by a land use applicant to obtain a land use decision; and

253 (b) does not mean an application to enact, amend, or repeal a land use regulation.

254 (33) "Land use authority" means:

255 (a) a person, board, commission, agency, or body, including the local legislative body,  
256 designated by the local legislative body to act upon a land use application; or

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

259 (34) "Land use decision" means an administrative decision of a land use authority or  
260 appeal authority regarding:

261 (a) a land use permit;

262 (b) a land use application; or

263 (c) the enforcement of a land use regulation, land use permit, or development  
264 agreement.

265 (35) "Land use permit" means a permit issued by a land use authority.

266 (36) "Land use regulation":

267 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
268 specification, fee, or rule that governs the use or development of land;

269 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
270 and

271 (c) does not include:

272 (i) a land use decision of the legislative body acting as the land use authority, even if  
273 the decision is expressed in a resolution or ordinance; or

274 (ii) a temporary revision to an engineering specification that does not materially:

275 (A) increase a land use applicant's cost of development compared to the existing  
276 specification; or

277 (B) impact a land use applicant's use of land.

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

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

283 (39) "Lot" means a tract of land, regardless of any label, that is created by and shown  
284 on a subdivision plat that has been recorded in the office of the county recorder.

285 (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between  
286 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in  
287 accordance with Section 17-27a-608, with the consent of the owners of record.

288 (b) "Lot line adjustment" does not mean a new boundary line that:

289 (i) creates an additional lot; or

290 (ii) constitutes a subdivision.

291 (41) "Major transit investment corridor" means public transit service that uses or  
292 occupies:

293 (a) public transit rail right-of-way;

294 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

295 or

296 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
297 municipality or county and:

298 (i) a public transit district as defined in Section 17B-2a-802; or

299 (ii) an eligible political subdivision as defined in Section 59-12-2219.

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

303 (43) "Mountainous planning district" means an area[~~:(a)~~] designated by a county  
304 legislative body in accordance with Section 17-27a-901[~~; and~~].

305 ~~[(b) that is not otherwise exempt under Section 10-9a-304.]~~

306 (44) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
307 and expenses incurred in:

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

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

311 (45) "Noncomplying structure" means a structure that:

312 (a) legally existed before [its] the structure's current land use designation; and

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

316 (46) "Nonconforming use" means a use of land that:

317 (a) legally existed before [its] the current land use designation;

318 (b) has been maintained continuously since the time the land use ordinance regulation  
319 governing the land changed; and

320 (c) because of one or more subsequent land use ordinance changes, does not conform  
321 to the regulations that now govern the use of the land.

322 (47) "Official map" means a map drawn by county authorities and recorded in the  
323 county recorder's office that:

324 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
325 highways and other transportation facilities;

326 (b) provides a basis for restricting development in designated rights-of-way or between  
327 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
328 the land; and

329 (c) has been adopted as an element of the county's general plan.

330 (48) "Parcel" means any real property that is not a lot created by and shown on a  
331 subdivision plat recorded in the office of the county recorder.

332 (49) (a) "Parcel boundary adjustment" means a recorded agreement between owners of  
333 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line  
334 agreement in accordance with Section 57-1-45, if no additional parcel is created and:

335 (i) none of the property identified in the agreement is subdivided land; or

336 (ii) the adjustment is to the boundaries of a single person's parcels.

337 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary  
338 line that:

339 (i) creates an additional parcel; or

340 (ii) constitutes a subdivision.

341 (50) "Person" means an individual, corporation, partnership, organization, association,  
342 trust, governmental agency, or any other legal entity.

343 (51) "Plan for moderate income housing" means a written document adopted by a  
344 county legislative body that includes:

345 (a) an estimate of the existing supply of moderate income housing located within the  
346 county;

347 (b) an estimate of the need for moderate income housing in the county for the next five  
348 years;

349 (c) a survey of total residential land use;

350 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
351 income housing; and

352 (e) a description of the county's program to encourage an adequate supply of moderate  
353 income housing.

354 (52) "Planning advisory area" means a contiguous, geographically defined portion of  
355 the unincorporated area of a county established under this part with planning and zoning  
356 functions as exercised through the planning advisory area planning commission, as provided in  
357 this chapter, but with no legal or political identity separate from the county and no taxing  
358 authority.

359 (53) "Plat" means a map or other graphical representation of lands that a licensed  
360 professional land surveyor makes and prepares in accordance with Section [17-27a-603](#) or  
361 [57-8-13](#).

362 (54) "Potential geologic hazard area" means an area that:

363 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
364 relevant map or report as needing further study to determine the area's potential for geologic  
365 hazard; or

366 (b) has not been studied by the Utah Geological Survey or a county geologist but

367 presents the potential of geologic hazard because the area has characteristics similar to those of  
368 a designated geologic hazard area.

369 (55) "Public agency" means:

370 (a) the federal government;

371 (b) the state;

372 (c) a county, municipality, school district, local district, special service district, or other  
373 political subdivision of the state; or

374 (d) a charter school.

375 (56) "Public hearing" means a hearing at which members of the public are provided a  
376 reasonable opportunity to comment on the subject of the hearing.

377 (57) "Public meeting" means a meeting that is required to be open to the public under  
378 Title 52, Chapter 4, Open and Public Meetings Act.

379 (58) "Public street" means a public right-of-way, including a public highway, public  
380 avenue, public boulevard, public parkway, public road, public lane, public alley, public  
381 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation  
382 easement, or other public way.

383 (59) "Receiving zone" means an unincorporated area of a county that the county  
384 designates, by ordinance, as an area in which an owner of land may receive a transferable  
385 development right.

386 (60) "Record of survey map" means a map of a survey of land prepared in accordance  
387 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

388 (61) "Residential facility for persons with a disability" means a residence:

389 (a) in which more than one person with a disability resides; and

390 (b) (i) which is licensed or certified by the Department of Human Services under Title  
391 62A, Chapter 2, Licensure of Programs and Facilities; or

392 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
393 21, Health Care Facility Licensing and Inspection Act.

394 (62) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
395 public meeting:

396 (a) parliamentary order and procedure;

397 (b) ethical behavior; and

398 (c) civil discourse.

399 (63) "Sanitary sewer authority" means the department, agency, or public entity with  
400 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
401 wastewater systems.

402 (64) "Sending zone" means an unincorporated area of a county that the county  
403 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
404 development right.

405 (65) "Site plan" means a document or map that may be required by a county during a  
406 preliminary review preceding the issuance of a building permit to demonstrate that an owner's  
407 or developer's proposed development activity meets a land use requirement.

408 (66) "Specified public agency" means:

409 (a) the state;

410 (b) a school district; or

411 (c) a charter school.

412 (67) "Specified public utility" means an electrical corporation, gas corporation, or  
413 telephone corporation, as those terms are defined in Section [54-2-1](#).

414 (68) "State" includes any department, division, or agency of the state.

415 (69) "Subdivided land" means the land, tract, or lot described in a recorded subdivision  
416 plat.

417 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be  
418 divided into two or more lots or other division of land for the purpose, whether immediate or  
419 future, for offer, sale, lease, or development either on the installment plan or upon any and all  
420 other plans, terms, and conditions.

421 (b) "Subdivision" includes:

422 (i) the division or development of land whether by deed, metes and bounds description,  
423 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division  
424 includes all or a portion of a parcel or lot; and

425 (ii) except as provided in Subsection (70)(c), divisions of land for residential and  
426 nonresidential uses, including land used or to be used for commercial, agricultural, and  
427 industrial purposes.

428 (c) "Subdivision" does not include:

- 429 (i) a bona fide division or partition of agricultural land for agricultural purposes;  
430 (ii) an agreement recorded with the county recorder's office between owners of  
431 adjoining properties adjusting the mutual boundary by a boundary line agreement in accordance  
432 with Section 57-1-45 if:
- 433 (A) no new lot is created; and
  - 434 (B) the adjustment does not violate applicable land use ordinances;
- 435 (iii) a recorded document, executed by the owner of record:
- 436 (A) revising the legal description of more than one contiguous parcel of property that is  
437 not subdivided land into one legal description encompassing all such parcels of property; or
  - 438 (B) joining a subdivided parcel of property to another parcel of property that has not  
439 been subdivided, if the joinder does not violate applicable land use ordinances;
- 440 (iv) a bona fide division or partition of land in a county other than a first class county  
441 for the purpose of siting, on one or more of the resulting separate parcels:
- 442 (A) an electrical transmission line or a substation;
  - 443 (B) a natural gas pipeline or a regulation station; or
  - 444 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
445 utility service regeneration, transformation, retransmission, or amplification facility;
- 446 (v) an agreement between owners of adjoining subdivided properties adjusting the  
447 mutual lot line boundary in accordance with Section 10-9a-603 if:
- 448 (A) no new dwelling lot or housing unit will result from the adjustment; and
  - 449 (B) the adjustment will not violate any applicable land use ordinance;
- 450 (vi) a bona fide division or partition of land by deed or other instrument where the land  
451 use authority expressly approves in writing the division in anticipation of further land use  
452 approvals on the parcel or parcels;
- 453 (vii) a parcel boundary adjustment;
  - 454 (viii) a lot line adjustment;
  - 455 (ix) a road, street, or highway dedication plat; or
  - 456 (x) a deed or easement for a road, street, or highway purpose.
- 457 (d) The joining of a subdivided parcel of property to another parcel of property that has  
458 not been subdivided does not constitute a subdivision under this Subsection (70) as to the  
459 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision

460 ordinance.

461 (71) "Subdivision amendment" means an amendment to a recorded subdivision in  
462 accordance with Section 17-27a-608 that:

463 (a) vacates all or a portion of the subdivision;

464 (b) alters the outside boundary of the subdivision;

465 (c) changes the number of lots within the subdivision;

466 (d) alters a public right-of-way, a public easement, or public infrastructure within the  
467 subdivision; or

468 (e) alters a common area or other common amenity within the subdivision.

469 (72) "Suspect soil" means soil that has:

470 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
471 3% swell potential;

472 (b) bedrock units with high shrink or swell susceptibility; or

473 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
474 commonly associated with dissolution and collapse features.

475 (73) "Therapeutic school" means a residential group living facility:

476 (a) for four or more individuals who are not related to:

477 (i) the owner of the facility; or

478 (ii) the primary service provider of the facility;

479 (b) that serves students who have a history of failing to function:

480 (i) at home;

481 (ii) in a public school; or

482 (iii) in a nonresidential private school; and

483 (c) that offers:

484 (i) room and board; and

485 (ii) an academic education integrated with:

486 (A) specialized structure and supervision; or

487 (B) services or treatment related to a disability, an emotional development, a  
488 behavioral development, a familial development, or a social development.

489 (74) "Transferable development right" means a right to develop and use land that  
490 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer



491 land use rights from a designated sending zone to a designated receiving zone.

492 (75) "Unincorporated" means the area outside of the incorporated area of a  
493 municipality.

494 (76) "Water interest" means any right to the beneficial use of water, including:

495 (a) each of the rights listed in Section 73-1-11; and

496 (b) an ownership interest in the right to the beneficial use of water represented by:

497 (i) a contract; or

498 (ii) a share in a water company, as defined in Section 73-3-3.5.

499 (77) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
500 land use zones, overlays, or districts.

501 Section 3. Section 17-27a-301 is amended to read:

502 **17-27a-301. Ordinance establishing planning commission required -- Exception --**  
503 **Ordinance requirements -- Planning advisory area planning commission --**  
504 **Compensation.**

505 (1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance  
506 establishing a countywide planning commission for the unincorporated areas of the county not  
507 within a planning advisory area.

508 (b) Subsection (1)(a) does not apply if all of the county is included within any  
509 combination of:

510 (i) municipalities;

511 (ii) planning advisory areas each with a separate planning commission; and

512 (iii) mountainous planning districts.

513 (c) (i) Notwithstanding Subsection (1)(a), [~~and except as provided in Subsection~~  
514 ~~(1)(c)(ii),~~] a county that designates a mountainous planning district shall enact an ordinance,  
515 subject to Subsection (1)(c)(ii), establishing a planning commission that has jurisdiction over  
516 the entire mountainous planning district[~~, including areas of the mountainous planning district~~  
517 ~~that are also located within a municipality or are unincorporated~~].

518 (ii) A planning commission described in Subsection (1)(c)(i)[~~-(A) does not have~~  
519 ~~jurisdiction over a municipality described in Subsection 10-9a-304(2)(b); and (B)] has~~  
520 jurisdiction subject to a local health department exercising [its] the local health department's  
521 authority in accordance with Title 26A, Chapter 1, Local Health Departments, and a

522 municipality exercising the municipality's authority in accordance with Section 10-8-15.

523 (iii) The ordinance shall require that~~[:]~~ members of the planning commission be  
524 appointed by the county executive with the advice and consent of the county legislative body.

525 ~~[(A) members of the planning commission represent areas located in the~~  
526 ~~unincorporated and incorporated county;]~~

527 ~~[(B) members of the planning commission be registered voters who reside either in the~~  
528 ~~unincorporated or incorporated county;]~~

529 ~~[(C) at least one member of the planning commission resides within the mountainous~~  
530 ~~planning district and another member is a resident of a municipality located within the~~  
531 ~~mountainous planning district; and]~~

532 ~~[(D) the county designate up to four seats on the planning commission, and fill each~~  
533 ~~vacancy in the designated seats in accordance with the procedure described in Subsection (8).]~~

534 (2) (a) Notwithstanding Subsection (1)(b), the county legislative body of a county of  
535 the first or second class that includes more than one planning advisory area each with a  
536 separate planning commission may enact an ordinance that:

537 (i) dissolves each planning commission within the county; and

538 (ii) establishes a countywide planning commission that has jurisdiction over:

539 (A) each planning advisory area within the county; and

540 (B) the unincorporated areas of the county not within a planning advisory area.

541 (b) A countywide planning commission established under Subsection (2)(a) shall  
542 assume the duties of each dissolved planning commission.

543 (3) (a) The ordinance described in Subsection (1)(a) or (c) or (2)(a) shall define:

544 (i) the number and terms of the members and, if the county chooses, alternate  
545 members;

546 (ii) the mode of appointment;

547 (iii) the procedures for filling vacancies and removal from office;

548 (iv) the authority of the planning commission;

549 (v) subject to Subsection (3)(b), the rules of order and procedure for use by the  
550 planning commission in a public meeting; and

551 (vi) other details relating to the organization and procedures of the planning  
552 commission.

553 (b) Subsection (3)(a)(v) does not affect the planning commission's duty to comply with  
554 Title 52, Chapter 4, Open and Public Meetings Act.

555 (4) (a) (i) If the county establishes a planning advisory area planning commission, the  
556 county legislative body shall enact an ordinance that defines:

557 (A) appointment procedures;

558 (B) procedures for filling vacancies and removing members from office;

559 (C) subject to Subsection (4)(a)(ii), the rules of order and procedure for use by the  
560 planning advisory area planning commission in a public meeting; and

561 (D) details relating to the organization and procedures of each planning advisory area  
562 planning commission.

563 (ii) Subsection (4)(a)(i)(C) does not affect the planning advisory area planning  
564 commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

565 (b) The planning commission for each planning advisory area shall consist of seven  
566 members who shall be appointed by:

567 (i) in a county operating under a form of government in which the executive and  
568 legislative functions of the governing body are separated, the county executive with the advice  
569 and consent of the county legislative body; or

570 (ii) in a county operating under a form of government in which the executive and  
571 legislative functions of the governing body are not separated, the county legislative body.

572 (c) (i) Members shall serve four-year terms and until their successors are appointed and  
573 qualified.

574 (ii) Notwithstanding the provisions of Subsection (4)(c)(i), members of the first  
575 planning commissions shall be appointed so that, for each commission, the terms of at least one  
576 member and no more than two members expire each year.

577 (d) (i) Each member of a planning advisory area planning commission shall be a  
578 registered voter residing within the planning advisory area.

579 (ii) Subsection (4)(d)(i) does not apply to a member described in Subsection (5)(a) if  
580 that member was, prior to May 12, 2015, authorized to reside outside of the planning advisory  
581 area.

582 (5) (a) A member of a planning commission who was elected to and served on a  
583 planning commission on May 12, 2015, shall serve out the term to which the member was

584 elected.

585 (b) Upon the expiration of an elected term described in Subsection (5)(a), the vacant  
586 seat shall be filled by appointment in accordance with this section.

587 (6) Upon the appointment of all members of a planning advisory area planning  
588 commission, each planning advisory area planning commission under this section shall begin to  
589 exercise the powers and perform the duties provided in Section 17-27a-302 with respect to all  
590 matters then pending that previously had been under the jurisdiction of the countywide  
591 planning commission or planning advisory area planning and zoning board.

592 (7) The legislative body may authorize a member of a planning commission to receive  
593 per diem and travel expenses for meetings actually attended, in accordance with Section  
594 11-55-103.

595 ~~[(8)(a) Subject to Subsection (8)(f), a county shall fill a vacancy in a planning  
596 commission seat described in Subsection (1)(c)(iii)(D) in accordance with this Subsection (8).]~~

597 ~~[(b) If a county designates one or more planning commission seats under Subsection  
598 (1)(c)(iii)(D), the county shall identify at least one and up to four cities that:]~~

599 ~~[(i)(A) are adjacent to the mountainous planning district; and]~~

600 ~~[(B) border the entrance to a canyon that is located within the boundaries of the  
601 mountainous planning district and accessed by a paved road maintained by the county or the  
602 state; or]~~

603 ~~[(ii) exercise extraterritorial jurisdiction in accordance with Section 10-8-15.]~~

604 ~~[(c) When there is a vacancy in a planning commission seat described in Subsection  
605 (1)(c)(iii)(D), the county shall send a written request to one of the cities described in  
606 Subsection (8)(b), on a rotating basis, if applicable, for a list of three individuals, who satisfy  
607 the requirements described in Subsection (1)(c)(iii)(B), to fill the vacancy.]~~

608 ~~[(d) The city shall respond to a written request described in Subsection (8)(c) within 60  
609 days after the day on which the city receives the written request.]~~

610 ~~[(e) After the county receives the city's list of three individuals, the county shall submit  
611 one of the individuals on the list for appointment to the vacant planning commission seat in  
612 accordance with county ordinance.]~~

613 ~~[(f) The county shall fill the vacancy in accordance with the county's standard  
614 procedure if the city fails to timely respond to the written request.]~~

615 Section 4. Section 17-27a-401 is amended to read:

616 **17-27a-401. General plan required -- Content -- Resource management plan --**  
617 **Provisions related to radioactive waste facility.**

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

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

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

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

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

627 (2) To promote health, safety, and welfare, the general plan may provide for:

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

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

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

633 (i) food and water; and

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

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

636 (e) the protection of urban development;

637 (f) the protection and promotion of air quality;

638 (g) historic preservation;

639 (h) identifying future uses of land that are likely to require an expansion or significant  
640 modification of services or facilities provided by each affected entity; and

641 (i) an official map.

642 (3) (a) The general plan shall:

643 (i) allow and plan for moderate income housing growth; and

644 (ii) contain a resource management plan for the public lands, as defined in Section  
645 [63L-6-102](#), within the county.

646 (b) On or before December 1, 2019, a county with a general plan that does not comply  
647 with Subsection (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).

648 (c) The resource management plan described in Subsection (3)(a)(ii) shall address:

649 (i) mining;

650 (ii) land use;

651 (iii) livestock and grazing;

652 (iv) irrigation;

653 (v) agriculture;

654 (vi) fire management;

655 (vii) noxious weeds;

656 (viii) forest management;

657 (ix) water rights;

658 (x) ditches and canals;

659 (xi) water quality and hydrology;

660 (xii) flood plains and river terraces;

661 (xiii) wetlands;

662 (xiv) riparian areas;

663 (xv) predator control;

664 (xvi) wildlife;

665 (xvii) fisheries;

666 (xviii) recreation and tourism;

667 (xix) energy resources;

668 (xx) mineral resources;

669 (xxi) cultural, historical, geological, and paleontological resources;

670 (xxii) wilderness;

671 (xxiii) wild and scenic rivers;

672 (xxiv) threatened, endangered, and sensitive species;

673 (xxv) land access;

674 (xxvi) law enforcement;

675 (xxvii) economic considerations; and

676 (xxviii) air.

677 (d) For each item listed under Subsection (3)(c), a county's resource management plan  
678 shall:

679 (i) establish findings pertaining to the item;

680 (ii) establish defined objectives; and

681 (iii) outline general policies and guidelines on how the objectives described in  
682 Subsection (3)(d)(ii) are to be accomplished.

683 (4) (a) The general plan shall include specific provisions related to any areas within, or  
684 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a  
685 county, which are proposed for the siting of a storage facility or transfer facility for the  
686 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as  
687 these wastes are defined in Section 19-3-303. The provisions shall address the effects of the  
688 proposed site upon the health and general welfare of citizens of the state, and shall provide:

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

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

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

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

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

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

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

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

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

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

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

710 (7) If a county has designated a mountainous planning district, the general plan for the  
711 mountainous planning district is the controlling plan [~~and takes precedence over a~~  
712 ~~municipality's general plan for property located within the mountainous planning district~~].

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

715 Section 5. Section 17-27a-403 is amended to read:

716 **17-27a-403. Plan preparation.**

717 (1) (a) The planning commission shall provide notice, as provided in Section  
718 17-27a-203, of its intent to make a recommendation to the county legislative body for a general  
719 plan or a comprehensive general plan amendment when the planning commission initiates the  
720 process of preparing its recommendation.

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

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

724 (ii) if the planning commission is a planning commission for a mountainous planning  
725 district, the mountainous planning district.

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

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

732 [~~(iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous~~  
733 ~~planning district, the plan for the mountainous planning district controls and precedes a~~  
734 ~~municipal plan, if any, to which the property would be subject.~~]

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

738 (i) a land use element that:



739 (A) designates the long-term goals and the proposed extent, general distribution, and  
740 location of land for housing for residents of various income levels, business, industry,  
741 agriculture, recreation, education, public buildings and grounds, open space, and other  
742 categories of public and private uses of land as appropriate; and

743 (B) may include a statement of the projections for and standards of population density  
744 and building intensity recommended for the various land use categories covered by the plan;

745 (ii) a transportation and traffic circulation element that:

746 (A) provides the general location and extent of existing and proposed freeways, arterial  
747 and collector streets, public transit, active transportation facilities, and other modes of  
748 transportation that the planning commission considers appropriate;

749 (B) addresses the county's plan for residential and commercial development around  
750 major transit investment corridors to maintain and improve the connections between housing,  
751 employment, education, recreation, and commerce; and

752 (C) correlates with the population projections, the employment projections, and the  
753 proposed land use element of the general plan;

754 (iii) a plan for the development of additional moderate income housing within the  
755 unincorporated area of the county or the mountainous planning district, and a plan to provide a  
756 realistic opportunity to meet the need for additional moderate income housing; and

757 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,  
758 and policies required by Subsection [17-27a-401\(3\)](#).

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

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

762 (A) to meet the needs of people of various income levels living, working, or desiring to  
763 live or work in the community; and

764 (B) to allow people with various incomes to benefit from and fully participate in all  
765 aspects of neighborhood and community life; and

766 (ii) shall include an analysis of how the county will provide a realistic opportunity for  
767 the development of moderate income housing within the planning horizon, which may include  
768 a recommendation to implement three or more of the following strategies:

769 (A) rezone for densities necessary to assure the production of moderate income

770 housing;

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

773 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate  
774 income housing;

775 (D) consider county general fund subsidies or other sources of revenue to waive  
776 construction related fees that are otherwise generally imposed by the county;

777 (E) create or allow for, and reduce regulations related to, accessory dwelling units in  
778 residential zones;

779 (F) allow for higher density or moderate income residential development in  
780 commercial and mixed-use zones, commercial centers, or employment centers;

781 (G) encourage higher density or moderate income residential development near major  
782 transit investment corridors;

783 (H) eliminate or reduce parking requirements for residential development where a  
784 resident is less likely to rely on the resident's own vehicle, such as residential development near  
785 major transit investment corridors or senior living facilities;

786 (I) allow for single room occupancy developments;

787 (J) implement zoning incentives for low to moderate income units in new  
788 developments;

789 (K) utilize strategies that preserve subsidized low to moderate income units on a  
790 long-term basis;

791 (L) preserve existing moderate income housing;

792 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate  
793 income housing;

794 (N) participate in a community land trust program for low or moderate income  
795 housing;

796 (O) implement a mortgage assistance program for employees of the county or of an  
797 employer that provides contracted services for the county;

798 (P) apply for or partner with an entity that applies for state or federal funds or tax  
799 incentives to promote the construction of moderate income housing;

800 (Q) apply for or partner with an entity that applies for programs offered by the Utah

801 Housing Corporation within that agency's funding capacity;

802 (R) apply for or partner with an entity that applies for affordable housing programs  
803 administered by the Department of Workforce Services;

804 (S) apply for or partner with an entity that applies for services provided by a public  
805 housing authority to preserve and create moderate income housing;

806 (T) apply for or partner with an entity that applies for programs administered by a  
807 metropolitan planning organization or other transportation agency that provides technical  
808 planning assistance;

809 (U) utilize a moderate income housing set aside from a community reinvestment  
810 agency, redevelopment agency, or community development and renewal agency;

811 (V) reduce residential building design elements as defined in Section 10-9a-403; and

812 (W) consider any other program or strategy implemented by the county to address the  
813 housing needs of residents of the county who earn less than 80% of the area median income.

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

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

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

819 (d) In drafting the transportation and traffic circulation element, the planning  
820 commission shall:

821 (i) consider the regional transportation plan developed by its region's metropolitan  
822 planning organization, if the relevant areas of the county are within the boundaries of a  
823 metropolitan planning organization; or

824 (ii) consider the long-range transportation plan developed by the Department of  
825 Transportation, if the relevant areas of the county are not within the boundaries of a  
826 metropolitan planning organization.

827 (3) The proposed general plan may include:

828 (a) an environmental element that addresses:

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

832 and

833 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
834 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
835 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
836 protection of watersheds and wetlands, and the mapping of known geologic hazards;

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

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

842 (i) historic preservation;

843 (ii) the diminution or elimination of a development impediment as defined in Section  
844 17C-1-102; and

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

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

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

854 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or  
855 (3)(a)(i); and

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

857 Section 6. Section 17-27a-901 is amended to read:

858 **17-27a-901. Mountainous planning district.**

859 (1) (a) The legislative body of a county of the first class may adopt an ordinance  
860 designating an area located within the county as a mountainous planning district if the  
861 legislative body determines that:

862 (i) the area is primarily used for recreational purposes, including canyons, foothills, ski

863 resorts, wilderness areas, lakes and reservoirs, campgrounds, or picnic areas within the  
864 Wasatch Range;

865 (ii) the area is used by residents of the county who live inside and outside the limits of  
866 a municipality;

867 (iii) the total resident population in the proposed mountainous planning district is equal  
868 to or less than 5% of the population of the county;

869 (iv) the area is within the unincorporated area of the county or was within the  
870 unincorporated area of the county before May 12, 2015; and

871 (v) the area includes land designated as part of a national forest on or before May 9,  
872 2017.

873 ~~[(b) (i) A mountainous planning district may include within its boundaries a  
874 municipality, whether in whole or in part.]~~

875 ~~[(ii) Except as provided in Subsection (1)(b)(iv), if a mountainous planning district  
876 includes within its boundaries an unincorporated area, and that area subsequently incorporates  
877 as a municipality:]~~

878 ~~[(A) the area of the incorporated municipality that is located in the mountainous  
879 planning district is included within the mountainous planning district boundaries; and]~~

880 ~~[(B) property within the municipality that is also within the mountainous planning  
881 district is subject to the authority of the mountainous planning district.]~~

882 ~~[(iii) A subdivision and zoning ordinance that governs property located within a  
883 mountainous planning district shall control over any subdivision or zoning ordinance, as  
884 applicable, that a municipality may adopt.]~~

885 ~~[(iv) A county shall allow an area within the boundaries of a mountainous planning  
886 district to withdraw from the mountainous planning district if:]~~

887 ~~[(A) the area contains less than 100 acres;]~~

888 ~~[(B) the area is annexed to a city in accordance with Title 10, Chapter 2, Part 4,  
889 Annexation;]~~

890 ~~[(C) the county determines that the area does not contain United States Forest Service  
891 land or land that is designated as watershed; and]~~

892 ~~[(D) the county determines that the area is not used by individuals for recreational  
893 purposes.]~~

894 ~~[(v) An area described in Subsection (1)(b)(iv) that withdraws from a mountainous~~  
895 ~~planning district is not subject to the authority of the mountainous planning district.]~~

896 ~~[(e)]~~ (b) The population figure under Subsection (1)(a)(iii) shall be derived from a  
897 population estimate by the Utah Population Committee.

898 ~~[(d) If any portion of a proposed mountainous planning district includes a municipality~~  
899 ~~with a land base of five square miles or less, the county shall ensure that all of that municipality~~  
900 ~~is wholly located within the boundaries of the mountainous planning district.]~~

901 (2) (a) ~~[Notwithstanding Subsection 10-9a-102(2), 17-34-1(2)(a), or 17-50-302(1)(b),~~  
902 ~~or Section 17-50-314, a]~~ A county may adopt a general plan and adopt a zoning or subdivision  
903 ordinance for a property that is located within~~[:]~~ a mountainous planning district.

904 ~~[(i) a mountainous planning district; and]~~

905 ~~[(ii) a municipality.]~~

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

908 ~~[(3) A planning commission with jurisdiction over a mountainous planning district in a~~  
909 ~~county of the first class shall submit a report that summarizes actions the planning commission~~  
910 ~~has taken and any recommendations regarding the mountainous planning district to the~~  
911 ~~Legislature's Natural Resources, Agriculture, and Environment Interim Committee by no later~~  
912 ~~than November 30 of each year.]~~

913 Section 7. Section **63I-2-210** is amended to read:

914 **63I-2-210. Repeal dates -- Title 10.**

915 ~~[(1)]~~ Section **10-6-160.1** is repealed January 1, 2021.

916 ~~[(2) Subsection 10-9a-304(2), regarding municipal authority over property located~~  
917 ~~within a mountainous planning district, is repealed June 1, 2021.]~~

918 ~~[(3) When repealing Subsection 10-9a-304(2), the Office of Legislative Research and~~  
919 ~~General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make~~  
920 ~~necessary changes to subsection numbering and cross references.]~~

921 Section 8. Section **63I-2-217** is amended to read:

922 **63I-2-217. Repeal dates -- Title 17.**

923 ~~[(1) Section 17-22-32.2, regarding restitution reporting, is repealed January 1, 2021.]~~

924 ~~[(2) Section 17-22-32.3, regarding the Jail Incarceration and Transportation Costs~~

925 Study Council, is repealed January 1, 2021.]

926 [~~(3) Subsection 17-27a-102(1)(b), the language that states "or a designated~~  
927 mountainous planning district" is repealed June 1, 2021.]

928 [~~(4) (a) Subsection 17-27a-103(18)(b), regarding a mountainous planning district, is~~  
929 repealed June 1, 2021.]

930 [~~(b) Subsection 17-27a-103(42), regarding a mountainous planning district, is repealed~~  
931 June 1, 2021.]

932 [~~(5) Subsection 17-27a-210(2)(a), the language that states "or the mountainous~~  
933 planning district area" is repealed June 1, 2021.]

934 [~~(6) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning district, is~~  
935 repealed June 1, 2021.]

936 [~~(b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is~~  
937 repealed June 1, 2021.]

938 [~~(c) Subsection 17-27a-301(3)(a), the language that states "or (c)" is repealed June 1,~~  
939 2021.]

940 [~~(7) Section 17-27a-302, the language that states ", or mountainous planning district"~~  
941 and "or the mountainous planning district," is repealed June 1, 2021.]

942 [~~(8) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning~~  
943 district or" and ", as applicable" is repealed June 1, 2021.]

944 [~~(9) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is~~  
945 repealed June 1, 2021.]

946 [~~(b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed~~  
947 June 1, 2021.]

948 [~~(10) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is~~  
949 repealed June 1, 2021.]

950 [~~(b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is~~  
951 repealed June 1, 2021.]

952 [~~(c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous~~  
953 planning district" is repealed June 1, 2021.]

954 [~~(d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning~~  
955 district" is repealed June 1, 2021.]

956 ~~[(11) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is~~  
957 ~~repealed June 1, 2021.]~~

958 ~~[(12) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is~~  
959 ~~repealed June 1, 2021.]~~

960 ~~[(13) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a~~  
961 ~~mountainous planning district, the mountainous planning district" is repealed June 1, 2021.]~~

962 ~~[(14) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is~~  
963 ~~repealed June 1, 2021.]~~

964 ~~[(15) Subsection 17-27a-605(1)(a), the language that states "or mountainous planning~~  
965 ~~district land" is repealed June 1, 2021.]~~

966 ~~[(16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,~~  
967 ~~2021.]~~

968 ~~[(17) On June 1, 2021, when making the changes in this section, the Office of~~  
969 ~~Legislative Research and General Counsel shall:]~~

970 ~~[(a) in addition to its authority under Subsection 36-12-12(3):]~~

971 ~~[(i) make corrections necessary to ensure that sections and subsections identified in this~~  
972 ~~section are complete sentences and accurately reflect the office's understanding of the~~  
973 ~~Legislature's intent; and]~~

974 ~~[(ii) make necessary changes to subsection numbering and cross references; and]~~

975 ~~[(b) identify the text of the affected sections and subsections based upon the section~~  
976 ~~and subsection numbers used in Laws of Utah 2017, Chapter 448.]~~

977 ~~[(18) Subsection 17-34-1(5)(d), regarding county funding of certain municipal services~~  
978 ~~in a designated recreation area, is repealed June 1, 2021.]~~

979 ~~[(19)] (1) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed~~  
980 ~~January 1, 2022.~~

981 ~~[(20)] (2) On June 1, 2022:~~

982 ~~(a) Section 17-52a-104 is repealed;~~

983 ~~(b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision~~  
984 ~~described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and~~

985 ~~(c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.~~

986 ~~[(21)] (3) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to~~



987 initiate a change of form of government process by July 1, 2018, is repealed.

988 Section 9. **Effective date.**

989 (1) Except as provided in Subsection (2), this bill takes effect on May 5, 2021.

990 (2) The actions affecting the following sections take effect on January 1, 2022:

991 (a) Section [10-9a-304](#);

992 (b) Section [17-27a-103](#);

993 (c) Section [17-27a-301](#);

994 (d) Section [17-27a-401](#);

995 (e) Section [17-27a-403](#); and

996 (f) Section [17-27a-901](#).