

Amendments to Senate Bill No. 433
1st Reading Copy

Requested by Senator John Esp

For the Senate Local Government Committee

Prepared by Leanne Heisel
March 9, 2009 (1:59pm)

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 4
DATE 3.9.09
BILL NO. SB433

These affect Part 1 Zoning and Part 2 Interim Zoning, but not Part 2 Permanent Zoning

1. Title, line 9.

Strike: "76-2-208,"

2. Page 1, line 17 through line 19.

Strike: subsection (2) in its entirety

Insert: "(2) (a) A planning district or recommendations adopted under this part may not prohibit a proposed opencut operation for which a complete application has been made under 82-2-432 unless the board of county commissioners has issued written findings that adverse traffic, noise, lighting, dust, emission, and visual impacts of the operation cannot be reasonably mitigated.

(b) The findings must provide facts and conclusions that the board relied upon to conclude that reasonable mitigation of adverse impacts is not possible and must reference documents, testimony, or other materials that form the basis for the findings.

(c) The findings must be made available to the opencut operation applicant and to the public."

3. Page 2, line 4.

Strike: "Except" through "an"

Insert: "An"

4. Page 2, line 7 through line 9.

Strike: subsection (3) in its entirety

Insert: "(3) (a) Zoning regulations adopted under this section may not prohibit a proposed opencut operation for which a complete application has been made under 82-2-432 unless the board of county commissioners has issued written findings that adverse traffic, noise, lighting, dust, emission, and visual impacts of the operation cannot be reasonably mitigated.

(b) The findings must provide facts and conclusions that the board relied upon to conclude that reasonable mitigation of adverse impacts is not possible and must reference documents,

testimony, or other materials that form the basis for the findings.

(c) The findings must be made available to the opencut operation applicant and to the public."

5. Page 2, line 11 through line 15.

Strike: section 3 in its entirety

Renumber: subsequent sections

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