

**REFINERY AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca P. Edwards**

Senate Sponsor: Daniel R. Liljenquist

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**LONG TITLE**

**General Description:**

This bill authorizes a legislative body considering a zoning change or a land use authority considering a land use application to consult with a refinery before adopting the zoning change or approving the land use application.

**Highlighted Provisions:**

This bill:

▶ authorizes a legislative body considering a zoning change or a land use authority considering a land use application to consult with a refinery before adopting the zoning change or approving the land use application.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**10-9a-522**, Utah Code Annotated 1953

**17-27a-521**, Utah Code Annotated 1953

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

Section 1. Section **10-9a-522** is enacted to read:



28 **10-9a-522. Refineries.**29 (1) As used in this section, "develop" or "development" means ~~H~~→ :29a (a) ~~H~~ the construction,30 alteration, or improvement of land, including any related moving, demolition, or excavation  
31 outside of a refinery property boundary ~~H~~→ [;] ;31a (b) **the subdivision of land for a non-industrial use; or**31b (c) **the construction of a non-industrial structure on a parcel that is not subject**  
31c **to the subdivision process.** ~~H~~32 (2) Before a legislative body may adopt a non-industrial zoning change to permit  
33 development within 500 feet of a refinery boundary, the legislative body shall consult with the  
34 refinery to determine whether the proposed change is compatible with the refinery.35 (3) Before a land use authority may approve an application to develop within 500 feet  
36 of a refinery boundary, the land use authority shall consult with the refinery to determine  
37 whether the development is compatible with the refinery.38 (4) A legislative body described in Subsection (2), or a land use authority described in  
39 Subsection (3), may not request from the refinery:

40 (a) proprietary information;

41 (b) information, if made public, that would create a security or safety risk to the  
42 refinery or the public;

43 (c) information that is restricted from public disclosure under federal or state law; or

44 (d) information that is available in public record.

45 (5) (a) This section does not grant authority to a legislative body described in  
46 Subsection (2), or a land use authority described in Subsection (3), to require a refinery to  
47 undertake or cease an action.

48 (b) This section does not create a cause of action against a refinery.

49 (c) Except as expressly provided in this section, this section does not alter or remove  
50 any legal right or obligation of a refinery.51 Section 2. Section **17-27a-521** is enacted to read:52 **17-27a-521. Refineries.**53 (1) As used in this section, "develop" or "development" means ~~H~~→ :53a (a) ~~H~~ the construction,54 alteration, or improvement of land, including any related moving, demolition, or excavation  
55 outside of a refinery property boundary ~~H~~→ [;] ;55a (b) **the subdivision of land for a non-industrial use; or**55b (c) **the construction of a non-industrial structure on a parcel that is not subject**  
55c **to the subdivision process.** ~~H~~56 (2) Before a legislative body may adopt a non-industrial zoning change to permit  
57 development within 500 feet of a refinery boundary, the legislative body shall consult with the  
58 refinery to determine whether the proposed change is compatible with the refinery.

59           (3) Before a land use authority may approve an application to develop within 500 feet  
60 of a refinery boundary, the land use authority shall consult with the refinery to determine  
61 whether the development is compatible with the refinery.

62           (4) A legislative body described in Subsection (2), or a land use authority described in  
63 Subsection (3), may not request from the refinery:

64           (a) proprietary information;

65           (b) information, if made public, that would create a security or safety risk to the  
66 refinery or the public;

67           (c) information that is restricted from public disclosure under federal or state law; or

68           (d) information that is available in public record.

69           (5) (a) This section does not grant authority to a legislative body described in  
70 Subsection (2), or a land use authority described in Subsection (3), to require a refinery to  
71 undertake or cease an action.

72           (b) This section does not create a cause of action against a refinery.

73           (c) Except as expressly provided in this section, this section does not alter or remove  
74 any legal right or obligation of a refinery.

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**Legislative Review Note**  
as of 2-25-10 11:33 AM

**Office of Legislative Research and General Counsel**

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**H.B. 169 - Refinery Amendments**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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