

REFINERY AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: Daniel R. Liljenquist

Cosponsors:	Roger E. Barrus	Julie Fisher
Douglas C. Aagard	Jim Bird	Paul Ray
Sheryl L. Allen	Brad L. Dee	Larry B. Wiley

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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:

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

31 **10-9a-522. Refineries.**

32 (1) As used in this section, "develop" or "development" means:

33 (a) the construction, alteration, or improvement of land, including any related moving,  
34 demolition, or excavation outside of a refinery property boundary;

35 (b) the subdivision of land for a non-industrial use; or

36 (c) the construction of a non-industrial structure on a parcel that is not subject to the  
37 subdivision process.

38 (2) Before a legislative body may adopt a non-industrial zoning change to permit  
39 development within 500 feet of a refinery boundary, the legislative body shall consult with the  
40 refinery to determine whether the proposed change is compatible with the refinery.

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

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

46 (a) proprietary information;

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

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

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

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

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

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

57 Section 2. Section **17-27a-521** is enacted to read:

58 17-27a-521. Refineries.

59 (1) As used in this section, "develop" or "development" means:

60 (a) the construction, alteration, or improvement of land, including any related moving,  
61 demolition, or excavation outside of a refinery property boundary;

62 (b) the subdivision of land for a non-industrial use; or

63 (c) the construction of a non-industrial structure on a parcel that is not subject to the  
64 subdivision process.

65 (2) Before a legislative body may adopt a non-industrial zoning change to permit  
66 development within 500 feet of a refinery boundary, the legislative body shall consult with the  
67 refinery to determine whether the proposed change is compatible with the refinery.

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

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

73 (a) proprietary information;

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

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

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

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

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

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