

REFINERY AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: Daniel R. Liljenquist

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

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 the construction,
30 alteration, or improvement of land, including any related moving, demolition, or excavation
31 outside of a refinery property boundary.

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 the construction,
54 alteration, or improvement of land, including any related moving, demolition, or excavation
55 outside of a refinery property boundary.

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.

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

Office of Legislative Research and General Counsel

H.B. 169 - Refinery Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
