

**LOCAL LAND USE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor: Mike Schultz

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**LONG TITLE****General Description:**

This bill modifies provisions regarding referenda.

**Highlighted Provisions:**

This bill:

▶ disallows referral of a referendum to voters for ~~H→ [a land use law]~~ municipal land uselaws ~~←H~~ that passed by a~~H→~~ [two-thirds] unanimous ~~←H~~ vote of the local legislative body.**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:****AMENDS:****20A-7-602.8**, as last amended by Laws of Utah 2022, Chapters 325, 406

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*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **20A-7-602.8** is amended to read:**20A-7-602.8. Referability to voters of local land use law.**

(1) Within 20 days after the day on which an eligible voter files an application to circulate a referendum petition under Section 20A-7-602 for a land use law, counsel for the county, city, town, or metro township to which the referendum pertains shall:



(a) review the application to determine whether the proposed referendum is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed referendum is:

(i) legally referable to voters; or

(ii) rejected as not legally referable to voters.

(2) (a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is legally referable to voters unless:

(i) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;

(ii) the proposed referendum challenges a land use decision, rather than a land use regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;

(iii) the proposed referendum challenges more than one law passed by the local legislative body; or

(iv) the application for the proposed referendum was not timely filed or does not comply with the requirements of this part.

(b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not legally referable to voters for a ~~H→~~ :

**(i) municipal ~~←H~~ land use law, as defined in Section 20A-7-101, H→ if the land use law was passed by a unanimous vote of the local legislative body; ←H or**

**H→ (ii) [a] ←H transit area**

land use law, as defined in Section 20A-7-601, if the ~~H→ [land use law or] ←H~~ transit area land use law

was passed by a two-thirds vote of the local legislative body.

(3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not, for a land use law:

(a) reject a proposed referendum as not legally referable to voters; or

(b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.

(4) (a) If a county, city, town, or metro township rejects a proposed referendum concerning a land use law, a sponsor of the proposed referendum may, within seven days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:

(i) the Supreme Court, by means of an extraordinary writ, if possible; or

(ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ