

17-27a-521 Refineries.

- (1) As used in this section, "develop" or "development" means:
 - (a) the construction, alteration, or improvement of land, including any related moving, demolition, or excavation outside of a refinery property boundary;
 - (b) the subdivision of land for a non-industrial use; or
 - (c) the construction of a non-industrial structure on a parcel that is not subject to the subdivision process.
- (2) Before a legislative body may adopt a non-industrial zoning change to permit development within 500 feet of a refinery boundary, the legislative body shall consult with the refinery to determine whether the proposed change is compatible with the refinery.
- (3) Before a land use authority may approve an application to develop within 500 feet of a refinery boundary, the land use authority shall consult with the refinery to determine whether the development is compatible with the refinery.
- (4) A legislative body described in Subsection (2), or a land use authority described in Subsection (3), may not request from the refinery:
 - (a) proprietary information;
 - (b) information, if made public, that would create a security or safety risk to the refinery or the public;
 - (c) information that is restricted from public disclosure under federal or state law; or
 - (d) information that is available in public record.
- (5)
 - (a) This section does not grant authority to a legislative body described in Subsection (2), or a land use authority described in Subsection (3), to require a refinery to undertake or cease an action.
 - (b) This section does not create a cause of action against a refinery.
 - (c) Except as expressly provided in this section, this section does not alter or remove any legal right or obligation of a refinery.

Enacted by Chapter 306, 2010 General Session