

**TEMPORARY LAND USE REGULATION AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ralph Okerlund**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions regarding a county legislative body's ability to enact a temporary land use regulation.

**Highlighted Provisions:**

This bill:

▶ adds a certain water study ~~§~~ **→ in a county of the fifth or sixth class ←** ~~§~~ to the circumstances that allow a county legislative body

to enact a temporary land use regulation that prohibits certain development;

▶ allows the county legislative body ~~§~~ **→ in a county of the fifth or sixth class ←** ~~§~~ to extend the temporary land use regulation on

the body's own motion; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-27a-504**, as renumbered and amended by Laws of Utah 2005, Chapter 254

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

Section 1. Section **17-27a-504** is amended to read:



28 **17-27a-504. Temporary land use regulations.**

29 (1) (a) A county legislative body may, without prior consideration of or  
30 recommendation from the planning commission, enact an ordinance establishing a temporary  
31 land use regulation for any part or all of the area within the county if:

32 (i) the legislative body makes a finding of compelling, countervailing public interest;  
33 or

34 (ii) the area is unregulated.

35 (b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate  
36 the erection, construction, reconstruction, or alteration of any building or structure or any  
37 subdivision approval.

38 (c) A temporary land use regulation under Subsection (1)(a) may not impose an impact  
39 fee or other financial requirement on building or development.

40 (2) The legislative body shall establish a period of limited effect for the ordinance not  
41 to exceed six months.

42 (3) (a) A legislative body may, without prior planning commission consideration or  
43 recommendation, enact an ordinance establishing a temporary land use regulation prohibiting  
44 construction, subdivision approval, and other development activities within an area that is the  
45 subject of an Environmental Impact Statement [~~or~~], a Major Investment Study examining the  
46 area as a proposed highway or transportation corridor, ~~or~~ **§→ , in a county of the fifth or sixth**  
47 **class, ←§ a study of water availability, capacity,**

**or quality that the Division of Water §→ [Quality] Rights ←§ conducts §→ or oversees ←§ .**

48 (b) A regulation under Subsection (3)(a):

49 (i) may not exceed six months in duration;

50 (ii) may be renewed, if requested by the Transportation Commission created under  
51 Section **72-1-301 or §→ , in a county of the fifth or sixth class, ←§** by the legislative body on the  
51a **body's own motion,** for up to two additional

52 six-month periods by ordinance enacted before the expiration of the previous regulation; and

53 (iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the  
54 [~~Environmental Impact Statement or Major Investment Study is in progress~~] **circumstance**  
55 **giving rise to the regulation remains in existence.**