

TEMPORARY LAND USE REGULATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: Phil Lyman

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

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 ~~or~~ **in a county of the fifth or sixth**
47 **class, ~~or~~ 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 ~~or~~ **in a county of the fifth or sixth class, ~~or~~** 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.