

COUNTY LAND USE AND DEVELOPMENT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill amends provisions related to county land use and development.

Highlighted Provisions:

This bill:

- ▶ provides that a provision in a county development agreement is unenforceable if the provision requires the initiation of annexation processes as a condition for issuing building permits or otherwise regulating development activities within an unincorporated area of the county.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-27a-102, as last amended by Laws of Utah 2019, Chapter 384

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

Section 1. Section **17-27a-102** is amended to read:

17-27a-102. Purposes -- General land use authority -- Limitations.

(1) (a) The purposes of this chapter are to:

(i) provide for the health, safety, and welfare;

(ii) promote the prosperity;

30 (iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of
31 each county and each county's present and future inhabitants and businesses;

32 (iv) protect the tax base;

33 (v) secure economy in governmental expenditures;

34 (vi) foster the state's agricultural and other industries;

35 (vii) protect both urban and nonurban development;

36 (viii) protect and ensure access to sunlight for solar energy devices;

37 (ix) provide fundamental fairness in land use regulation;

38 (x) facilitate orderly growth and allow growth in a variety of housing types; and

39 (xi) protect property values.

40 (b) ~~[(F)]~~ Except as provided in Subsection (4), to accomplish the purposes of this
41 chapter, a county may enact all ordinances, resolutions, and rules and may enter into other
42 forms of land use controls and development agreements that the county considers necessary or
43 appropriate for the use and development of land within the unincorporated area of the county or
44 a designated mountainous planning district, including ordinances, resolutions, rules, restrictive
45 covenants, easements, and development agreements governing:

46 (i) uses;

47 (ii) density;

48 (iii) open spaces;

49 (iv) structures;

50 (v) buildings;

51 (vi) energy-efficiency;

52 (vii) light and air;

53 (viii) air quality;

54 (ix) transportation and public or alternative transportation;

55 (x) infrastructure;

56 (xi) street and building orientation and width requirements;

57 (xii) public facilities;

58 (xiii) fundamental fairness in land use regulation; and
59 (xiv) considerations of surrounding land uses to balance the foregoing purposes with a
60 landowner's private property interests and associated statutory and constitutional protections.

61 (2) Each county shall comply with the mandatory provisions of this part before any
62 agreement or contract to provide goods, services, or municipal-type services to any storage
63 facility or transfer facility for high-level nuclear waste, or greater than class C radioactive
64 waste, may be executed or implemented.

65 (3) (a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority
66 under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas
67 activity, as described in Section 40-6-2.5.

68 (b) A county may enact an ordinance, resolution, or rule that regulates surface activity
69 incident to an oil and gas activity if the county demonstrates that the regulation:

- 70 (i) is necessary for the purposes of this chapter;
- 71 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
- 72 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas
73 activity, as described in Section 40-6-2.5.

74 (4) (a) This Subsection (4) applies to development agreements entered into on or after
75 May 5, 2021.

76 (b) A provision in a county development agreement is unenforceable if the provision
77 requires an individual or an entity, as a condition for issuing building permits or otherwise
78 regulating development activities within an unincorporated area of the county, to initiate a
79 process for a municipality to annex the unincorporated area in accordance with Title 10,
80 Chapter 2, Part 4, Annexation.

81 (c) Subsection (4)(b) does not affect or impair the enforceability of any other provision
82 in the development agreement.