

Representative Val L. Peterson proposes the following substitute bill:

SENTINEL LANDSCAPE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill requires municipalities and counties to develop a compatible use plan to ensure proposed land uses within a certain distance of military land are compatible with military uses.

Highlighted Provisions:

This bill:

- defines terms;
- requires a municipality or county, in consultation with the Department of Veterans and Military Affairs, to develop a compatible use plan related to certain lands near military land;
- requires a municipality or county to notify the Department of Veterans and Military Affairs when the municipality or county receives a land use application relevant to military land;
- requires the Department of Veterans and Military Affairs to evaluate the proposed land use for compatibility with military operations on the military land; and
- grants rulemaking authority to the Department of Veterans and Military Affairs to make rules necessary to create a compatible use plan.

Money Appropriated in this Bill:



None

Other Special Clauses:

↩→ [None] This bill provides a coordination clause. ↩↩

Utah Code Sections Affected:

AMENDS:

71-8-2, as last amended by Laws of Utah 2020, Chapter 409

ENACTS:

10-9a-537, Utah Code Annotated 1953

17-27a-533, Utah Code Annotated 1953

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

Section 1. Section **10-9a-537** is enacted to read:

10-9a-537. Land use compatibility with military use.

(1) As used in this section:

(a) "Department" means the Department of Veterans and Military Affairs.

(b) "Military" means a branch of the armed forces of the United States, including the

Utah National Guard.

(c) "Military land" means the following land or facilities:

(i) Camp Williams;

(ii) Hill Air Force Base;

(iii) Dugway Proving Ground;

(iv) Tooele Army Depot;

(v) Utah Test and Training Range;

(vi) Nephi Readiness Center;

(vii) Cedar City Alternate Flight Facility; or

(viii) Little Mountain Test Facility.

(2) (a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area in a municipality within 5,000 feet of a boundary of military land, a municipality shall, in consultation with the department, develop and maintain a compatible use plan to ensure permitted uses and conditional uses relevant to the military land are compatible with the military operations on military land.

(b) A municipality that has a compatible use plan as of January 1, 2023, is not required to develop a new compatible use plan.

(3) If a municipality receives a land use application ~~§~~→, other than an individual building permit, ←§ related to land within 5,000 feet of

a boundary of military land, before the municipality may approve the land use application, the municipality shall notify the department in writing.

(4) If the department receives the notice described in Subsection (3), the executive director of the department shall:

(a) determine whether the proposed land use is compatible with the military use of the relevant military land; and

(b) within 90 days after the receipt of the notice described in Subsection (3), respond in writing to the municipality regarding the determination of compatibility described in Subsection (4)(a).

(5) If the department receives the notice described in Subsection (3) before the municipality has completed the compatible use plan as described in this section, the department shall consult with the municipality and representatives of the relevant military land to determine whether the use proposed in the land use application is a compatible use.

Section 2. Section **17-27a-533** is enacted to read:

17-27a-533. Land use compatibility with military use.

(1) As used in this section:

(a) "Department" means the Department of Veterans and Military Affairs.

(b) "Military" means a branch of the armed forces of the United States, including the Utah National Guard.

(c) "Military land" means the following land or facilities:

(i) Camp Williams;

(ii) Hill Air Force Base;

(iii) Dugway Proving Ground;

(iv) Tooele Army Depot;

(v) Utah Test and Training Range;

(vi) Nephi Readiness Center;

(vii) Cedar City Alternate Flight Facility; or

(viii) Little Mountain Test Facility.

(2) (a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area in a county within 5,000 feet of a boundary of military land, a county shall, in consultation with the department, develop and maintain a compatible use plan to ensure permitted uses and conditional uses relevant to the military land are compatible with the military operations on military land.

(b) A county that has a compatible use plan as of January 1, 2023, is not required to develop a new compatible use plan.

(3) If a county receives a land use application ~~Ŝ~~→ , other than an individual building permit, ~~←Ŝ~~ related to land within 5,000 feet of a boundary of military land, before the county may approve the land use application, the county shall notify the department in writing.

(4) If the department receives the notice described in Subsection (3), the executive director of the department shall:

(a) determine whether the proposed land use is compatible with the military use of the relevant military land; and

(b) within 90 days after the receipt of the notice described in Subsection (3), respond in writing to the county regarding the determination of compatibility described in Subsection (4)(a).

(5) If the department receives the notice described in Subsection (3) before the county has completed the compatible use plan as described in this section, the department shall consult with the county and representatives of the relevant military land to determine whether the use proposed in the land use application is a compatible use.

Section 3. Section **71-8-2** is amended to read:

71-8-2. Department of Veterans and Military Affairs created -- Appointment of executive director -- Department responsibilities.

(1) There is created the Department of Veterans and Military Affairs.

(2) The governor shall appoint an executive director for the department, after consultation with the Veterans Advisory Council, who is subject to Senate confirmation.

(a) The executive director shall be an individual who:

(i) has served on active duty in the armed forces for more than 180 consecutive days;

(ii) was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized; [or]

(iii) incurred an actual service-related injury or disability in the line of duty, whether or not that person completed 180 consecutive days of active duty; and

(iv) was separated or retired under honorable conditions.

(b) Any veteran or veterans group may submit names to the council for consideration.

(3) The department shall:

(a) conduct and supervise all veteran activities as provided in this title;

(b) determine which campaign or combat theater awards are eligible for a special group license plate in accordance with Section [41-1a-418](#);

(c) verify that an applicant for a campaign or combat theater award special group license plate is qualified to receive it;

(d) provide an applicant that qualifies a form indicating the campaign or combat theater award special group license plate for which the applicant qualifies;

(e) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this title; ~~and~~

(f) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

(i) under this title;

(ii) by the department; or

(iii) by an agency or division within the department~~[-]; and~~

(g) consult with municipalities and counties regarding compatible use plans as described in Sections [10-9a-537](#) and [17-27a-533](#).

(4) (a) The department may award grants for the purpose of supporting veteran and military outreach, employment, education, healthcare, homelessness prevention, and recognition events.

(b) The department may award a grant described in Subsection (4)(a) to:

(i) an institution of higher education listed in Section [53B-1-102](#);

(ii) a nonprofit organization involved in veterans or military-related activities; or

(iii) a political subdivision of the state.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the administration of grants, including establishing:

(i) the form and process for submitting an application to the department;

(ii) the method and criteria for selecting a grant recipient;

(iii) the method and formula for determining a grant amount; and

(iv) the reporting requirements of a grant recipient.

(d) A grant may be awarded by the department only after consultation with the Veterans Advisory Council.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules related to:

(a) the consultation with municipalities and counties regarding compatible use plans as required in Subsection (3)(g); and

(b) criteria to evaluate whether a proposed land use is compatible with military operations.

~~[(5)]~~ (6) Nothing in this chapter shall be construed as altering or preempting the provisions of Title 39, Militia and Armories, as specifically related to the Utah National Guard.

Section 4. **Coordinating H.B. 265 with H.B. 67 -- Substantive and technical amendments.**

If this H.B. 265 and H.B. 67, Title 71A - Veterans and Military Affairs, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsections 71A-1-201(4) through (7) in H.B. 67 to read:

"(4) The department shall:

(a) conduct and supervise all veteran and military affairs activities as provided in this title;

(b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this title;

(c) in accordance with Section 41-1a-418:

(i) determine which campaign or combat theater awards are eligible for a special group license plate;

(ii) verify that an applicant for a campaign or combat theater award special group license plate is qualified to receive it; and

(iii) provide an applicant that qualifies a form indicating the campaign or combat

181 theater award special group license plate for which the applicant qualifies;

182 (d) maintain liaison with local, state, and federal veterans agencies and with Utah
183 veterans organizations;

184 (e) provide current information to veterans, service members, their surviving spouses
185 and family members, and Utah veterans and military organizations on benefits they are entitled
186 to;

187 (f) assist veterans, service members, and their families in applying for benefits and
188 services;

189 (g) cooperate with other state entities in the receipt of information to create and
190 maintain a record of veterans in Utah;

191 (h) create and administer a veterans assistance registry in accordance with Chapter 5,
192 Veterans Assistance Registry, with recommendations from the council, that provides contact
193 information to the qualified donors of materials and labor for certain qualified recipients;

194 (i) identify military-related issues, challenges, and opportunities, and develop plans for
195 addressing them;

196 (j) develop, coordinate, and maintain relationships with military leaders of Utah
197 military installations, including the Utah National Guard;

198 (k) develop and maintain relationships with military-related organizations in Utah; and

199 (l) consult with municipalities and counties regarding compatible use plans as
200 described in Sections [10-9a-537](#) and [17-27a-533](#).

201 (5) (a) The department may award grants for the purpose of supporting veteran and
202 military outreach, employment, education, healthcare, homelessness prevention, and
203 recognition events.

204 (b) The department may award a grant described in Subsection (5)(a) to:

205 (i) an institution of higher education listed in Section [53B-1-102](#);

206 (ii) a nonprofit organization involved in veterans or military-related activities; or

207 (iii) a political subdivision of the state.

208 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
209 department shall make rules for the administration of grants, including establishing:

210 (i) the form and process for submitting an application to the department;

211 (ii) the method and criteria for selecting a grant recipient;

212 (iii) the method and formula for determining a grant amount; and
213 (iv) the reporting requirements of a grant recipient.
214 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
215 department may make rules related to:
216 (a) the consultation with municipalities and counties regarding compatible use plans as
217 required in Subsection (4)(l); and
218 (b) criteria to evaluate whether a proposed land use is compatible with military
219 operations.
220 (7) Nothing in this chapter shall be construed as altering or preempting any provisions
221 of Title 39A, National Guard and Militia Act, as specifically related to the Utah National
222 Guard."