

**Representative Doug Owens** proposes the following substitute bill:

**LAND USE PLANNING AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Doug Owens**

Senate Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill modifies provisions relating to local government land use plans and regulations.

**Highlighted Provisions:**

This bill:

- ▶ requires municipalities and counties to consider development impacts on wildlife in the process of considering and adopting general plans and land use regulations; and
- ▶ requires the Department of Natural Resources to provide information relevant to a municipality or county's consideration of the development impacts on wildlife.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-401**, as last amended by Laws of Utah 2023, Chapter 88

**10-9a-501**, as last amended by Laws of Utah 2023, Chapter 65

**17-27a-401**, as last amended by Laws of Utah 2023, Chapters 34, 88



26 [17-27a-501](#), as last amended by Laws of Utah 2023, Chapter 65



27  
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **10-9a-401** is amended to read:

30 **10-9a-401. General plan required -- Content.**

31 (1) To accomplish the purposes of this chapter, a municipality shall prepare and adopt  
32 a comprehensive, long-range general plan for:

- 33 (a) present and future needs of the municipality; and
- 34 (b) growth and development of all or any part of the land within the municipality.

35 (2) The general plan may provide for:

- 36 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic  
37 activities, aesthetics, and recreational, educational, and cultural opportunities;
- 38 (b) the reduction of the waste of physical, financial, or human resources that result  
39 from either excessive congestion or excessive scattering of population;
- 40 (c) the efficient and economical use, conservation, and production of the supply of:
  - 41 (i) food and water; and
  - 42 (ii) drainage, sanitary, and other facilities and resources;
  - 43 (d) the use of energy conservation and solar and renewable energy resources;
  - 44 (e) the protection of urban development;
  - 45 (f) if the municipality is a town, the protection or promotion of moderate income  
46 housing;
  - 47 (g) the protection and promotion of air quality;
  - 48 (h) historic preservation;
  - 49 (i) identifying future uses of land that are likely to require an expansion or significant  
50 modification of services or facilities provided by an affected entity; and
  - 51 (j) an official map.

52 (3) (a) The general plan of a specified municipality, as defined in Section [10-9a-408](#),  
53 shall include a moderate income housing element that meets the requirements of Subsection  
54 [10-9a-403\(2\)\(a\)\(iii\)](#).

55 (b) (i) This Subsection (3)(b) applies to a municipality that is not a specified  
56 municipality as of January 1, 2023.

57 (ii) As of January 1, if a municipality described in Subsection (3)(b)(i) changes from  
58 one class to another or grows in population to qualify as a specified municipality as defined in  
59 Section 10-9a-408, the municipality shall amend the municipality's general plan to comply with  
60 Subsection (3)(a) on or before August 1 of the first calendar year beginning on January 1 in  
61 which the municipality qualifies as a specified municipality.

62 (4) (a) Subject to Subsection 10-9a-403(2), the municipality may determine the  
63 comprehensiveness, extent, and format of the general plan.

64 (b) In preparing and adopting a general plan, the municipality shall, to the extent the  
65 municipality determines advisable, consider:

66 (i) the impacts of development on wildlife, including the impacts on wildlife  
67 movement and wildlife habitat; and

68 (ii) how the impacts described in Subsection (4)(b)(i) may be mitigated.

69 (c) Upon request from a municipality, the Department of Natural Resources shall  
70 provide the municipality information relevant to the municipality's consideration under  
71 Subsection (4)(b).

72 (5) Except for a city of the fifth class or a town, on or before December 31, 2025, a  
73 municipality that has a general plan that does not include a water use and preservation element  
74 that complies with Section 10-9a-403 shall amend the municipality's general plan to comply  
75 with Section 10-9a-403.

76 Section 2. Section 10-9a-501 is amended to read:

77 **10-9a-501. Enactment of land use regulation, land use decision, or development**  
78 **agreement.**

79 (1) Only a legislative body, as the body authorized to weigh policy considerations, may  
80 enact a land use regulation.

81 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use  
82 regulation only by ordinance.

83 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that  
84 imposes a fee.

85 (3) (a) A legislative body shall ensure that a land use regulation is consistent with the  
86 purposes set forth in this chapter.

87 (b) In considering and adopting a land use regulation, a legislative body shall, to the

88 extent the legislative body determines advisable, consider:

89 (i) the impacts of development on wildlife, including the impacts on wildlife  
90 movement and wildlife habitat; and

91 (ii) how the impacts described in Subsection (3)(b)(i) may be mitigated.

92 (c) Upon request from a legislative body, the Department of Natural Resources shall  
93 provide the legislative body information relevant to the legislative body's consideration under  
94 Subsection (3)(b).

95 (4) (a) A legislative body shall adopt a land use regulation to:

96 (i) create or amend a zoning district under Subsection 10-9a-503(1)(a); and

97 (ii) designate general uses allowed in each zoning district.

98 (b) A land use authority may establish or modify other restrictions or requirements  
99 other than those described in Subsection (4)(a), including the configuration or modification of  
100 uses or density, through a land use decision that applies criteria or policy elements that a land  
101 use regulation establishes or describes.

102 (5) A municipality may not adopt a land use regulation, development agreement, or  
103 land use decision that restricts the type of crop that may be grown in an area that is:

104 (a) zoned agricultural; or

105 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

106 (6) A municipal land use regulation pertaining to an airport or an airport influence area,  
107 as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport  
108 Zoning Act.

109 Section 3. Section 17-27a-401 is amended to read:

110 **17-27a-401. General plan required -- Content -- Resource management plan --**  
111 **Provisions related to radioactive waste facility.**

112 (1) To accomplish the purposes of this chapter, a county shall prepare and adopt a  
113 comprehensive, long-range general plan:

114 (a) for present and future needs of the county;

115 (b) (i) for growth and development of all or any part of the land within the  
116 unincorporated portions of the county; or

117 (ii) if a county has designated a mountainous planning district, for growth and  
118 development of all or any part of the land within the mountainous planning district; and

119 (c) as a basis for communicating and coordinating with the federal government on land  
120 and resource management issues.

121 (2) To promote health, safety, and welfare, the general plan may provide for:

122 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic  
123 activities, aesthetics, and recreational, educational, and cultural opportunities;

124 (b) the reduction of the waste of physical, financial, or human resources that result  
125 from either excessive congestion or excessive scattering of population;

126 (c) the efficient and economical use, conservation, and production of the supply of:

127 (i) food and water; and

128 (ii) drainage, sanitary, and other facilities and resources;

129 (d) the use of energy conservation and solar and renewable energy resources;

130 (e) the protection of urban development;

131 (f) the protection and promotion of air quality;

132 (g) historic preservation;

133 (h) identifying future uses of land that are likely to require an expansion or significant  
134 modification of services or facilities provided by an affected entity; and

135 (i) an official map.

136 (3) (a) (i) The general plan of a specified county, as defined in Section 17-27a-408,  
137 shall include a moderate income housing element that meets the requirements of Subsection  
138 17-27a-403(2)(a)(iii).

139 (ii) (A) This Subsection (3)(a)(ii) applies to a county that does not qualify as a  
140 specified county as of January 1, 2023.

141 (B) As of January 1, if a county described in Subsection (3)(a)(ii)(A) changes from one  
142 class to another or grows in population to qualify as a specified county as defined in Section  
143 17-27a-408, the county shall amend the county's general plan to comply with Subsection  
144 (3)(a)(i) on or before August 1 of the first calendar year beginning on January 1 in which the  
145 county qualifies as a specified county.

146 (iii) A county described in Subsection (3)(a)(ii)(B) shall send a copy of the county's  
147 amended general plan to the association of governments, established pursuant to an interlocal  
148 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a  
149 member.

150 (b) The general plan shall contain a resource management plan for the public lands, as  
151 defined in Section 63L-6-102, within the county.

152 (c) The resource management plan described in Subsection (3)(b) shall address:

153 (i) mining;

154 (ii) land use;

155 (iii) livestock and grazing;

156 (iv) irrigation;

157 (v) agriculture;

158 (vi) fire management;

159 (vii) noxious weeds;

160 (viii) forest management;

161 (ix) water rights;

162 (x) ditches and canals;

163 (xi) water quality and hydrology;

164 (xii) flood plains and river terraces;

165 (xiii) wetlands;

166 (xiv) riparian areas;

167 (xv) predator control;

168 (xvi) wildlife;

169 (xvii) fisheries;

170 (xviii) recreation and tourism;

171 (xix) energy resources;

172 (xx) mineral resources;

173 (xxi) cultural, historical, geological, and paleontological resources;

174 (xxii) wilderness;

175 (xxiii) wild and scenic rivers;

176 (xxiv) threatened, endangered, and sensitive species;

177 (xxv) land access;

178 (xxvi) law enforcement;

179 (xxvii) economic considerations; and

180 (xxviii) air.

181 (d) For each item listed under Subsection (3)(c), a county's resource management plan  
182 shall:

183 (i) establish findings pertaining to the item;

184 (ii) establish defined objectives; and

185 (iii) outline general policies and guidelines on how the objectives described in  
186 Subsection (3)(d)(ii) are to be accomplished.

187 (4) (a) (i) The general plan shall include specific provisions related to an area within, or  
188 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a  
189 county, which are proposed for the siting of a storage facility or transfer facility for the  
190 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as  
191 these wastes are defined in Section 19-3-303.

192 (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the  
193 proposed site upon the health and general welfare of citizens of the state, and shall provide:

194 (A) the information identified in Section 19-3-305;

195 (B) information supported by credible studies that demonstrates that Subsection  
196 19-3-307(2) has been satisfied; and

197 (C) specific measures to mitigate the effects of high-level nuclear waste and greater  
198 than class C radioactive waste and guarantee the health and safety of the citizens of the state.

199 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance  
200 indicating that all proposals for the siting of a storage facility or transfer facility for the  
201 placement of high-level nuclear waste or greater than class C radioactive waste wholly or  
202 partially within the county are rejected.

203 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

204 (d) The county shall send a certified copy of the ordinance described in Subsection  
205 (4)(b) to the executive director of the Department of Environmental Quality by certified mail  
206 within 30 days of enactment.

207 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

208 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

209 (ii) send a certified copy of the repeal to the executive director of the Department of  
210 Environmental Quality by certified mail within 30 days after the repeal.

211 (5) The general plan may define the county's local customs, local culture, and the

212 components necessary for the county's economic stability.

213 (6) (a) Subject to Subsection 17-27a-403(2), the county may determine the  
214 comprehensiveness, extent, and format of the general plan.

215 (b) In preparing and adopting a general plan, the county shall, to the extent the county  
216 determines advisable, consider:

217 (i) the impacts of development on wildlife, including the impacts on wildlife  
218 movement and wildlife habitat; and

219 (ii) how the impacts described in Subsection (6)(b)(i) may be mitigated.

220 (c) Upon request from a county, the Department of Natural Resources shall provide the  
221 county information relevant to the county's consideration under Subsection (6)(b).

222 (7) If a county has designated a mountainous planning district, the general plan for the  
223 mountainous planning district is the controlling plan.

224 (8) Nothing in this part may be construed to limit the authority of the state to manage  
225 and protect wildlife under Title 23A, Wildlife Resources Act.

226 (9) On or before December 31, 2025, a county that has a general plan that does not  
227 include a water use and preservation element that complies with Section 17-27a-403 shall  
228 amend the county's general plan to comply with Section 17-27a-403.

229 Section 4. Section 17-27a-501 is amended to read:

230 **17-27a-501. Enactment of land use regulation.**

231 (1) Only a legislative body, as the body authorized to weigh policy considerations, may  
232 enact a land use regulation.

233 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use  
234 regulation only by ordinance.

235 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that  
236 imposes a fee.

237 (3) (a) A land use regulation shall be consistent with the purposes set forth in this  
238 chapter.

239 (b) In considering and adopting a land use regulation, a legislative body shall, to the  
240 extent the legislative body determines advisable, consider:

241 (i) the impacts of development on wildlife, including the impacts on wildlife  
242 movement and wildlife habitat; and



243 (ii) how the impacts described in Subsection (3)(b)(i) may be mitigated.

244 (c) Upon request from a legislative body, the Department of Natural Resources shall  
245 provide the legislative body information relevant to the legislative body's consideration under  
246 Subsection (3)(b).

247 (4) (a) A legislative body shall adopt a land use regulation to:

248 (i) create or amend a zoning district under Subsection 17-27a-503(1)(a); and

249 (ii) designate general uses allowed in each zoning district.

250 (b) A land use authority may establish or modify other restrictions or requirements  
251 other than those described in Subsection (4)(a), including the configuration or modification of  
252 uses or density, through a land use decision that applies criteria or policy elements that a land  
253 use regulation establishes or describes.

254 (5) A county may not adopt a land use regulation, development agreement, or land use  
255 decision that restricts the type of crop that may be grown in an area that is:

256 (a) zoned agricultural; or

257 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

258 (6) A county land use regulation pertaining to an airport or an airport influence area, as  
259 that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport  
260 Zoning Act.

261 Section 5. **Effective date.**

262 This bill takes effect on May 1, 2024.