

MILITARY COMPATIBLE LAND USE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses land use compatibility with military use.

Highlighted Provisions:

This bill:

- ▶ modifies provisions regarding when notice is required related to applications or permits near military land;
- ▶ provides that a municipality or county should deny a land use application if the Department of Veterans and Military Affairs determines that a proposed land use is incompatible with military operations; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 10-9a-537**, as enacted by Laws of Utah 2023, Chapter 154
- 17-27a-533**, as enacted by Laws of Utah 2023, Chapter 154

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



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

29 **10-9a-537. Land use compatibility with military use.**

30 (1) As used in this section:

31 (a) "Application" means:

32 (i) an application or petition to annex land;

33 (ii) an application to enact, amend, or repeal a land use regulation; or

34 (iii) any land use application, other than an individual building permit, that would

35 result in a significant land use change that might have an adverse effect on the operation of the

36 military installation.

37 ~~[(a)]~~ (b) "Department" means the Department of Veterans and Military Affairs.

38 ~~[(b)]~~ (c) "Military" means a branch of the armed forces of the United States, including
39 the Utah National Guard.

40 ~~[(c)]~~ (d) "Military land" means the following land or facilities:

41 (i) Camp Williams;

42 (ii) Hill Air Force Base;

43 (iii) Dugway Proving Ground;

44 (iv) Tooele Army Depot;

45 (v) Utah Test and Training Range;

46 (vi) Nephi Readiness Center;

47 (vii) Cedar City Alternate Flight Facility; or

48 (viii) Little Mountain Test Facility.

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

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

56 (3) If a municipality receives ~~[a land use application, other than an individual building~~
57 ~~permit,]~~ an application related to land within 5,000 feet of a boundary of military land, before
58 the municipality may approve the ~~[land use]~~ application, the municipality shall notify the

59 department in writing.

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

62 ~~[(a)]~~ (i) determine whether the proposed land use is compatible with the military use of
63 the relevant military land; and

64 ~~[(b)]~~ (ii) within 90 days after the receipt of the notice described in Subsection (3),
65 respond in writing to the municipality regarding the determination of compatibility described in
66 Subsection (4)(a)(i).

67 (b) If the department determines that a proposed land use is incompatible with the
68 military use of the relevant military land, and the department notifies the municipality as
69 described in Subsection (4)(a)(ii), the municipality should not allow development in the
70 vicinity of a military installation that is incompatible with the military installation's ability to
71 carry out the military installation's mission requirements.

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

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

77 **17-27a-533. Land use compatibility with military use.**

78 (1) As used in this section:

79 (a) "Application" means:

80 (i) an application or petition to annex land;

81 (ii) an application to enact, amend, or repeal a land use regulation; or

82 (iii) any land use application, other than an individual building permit, that would
83 result in a significant land use change that might have an adverse effect on the operation of the
84 military installation.

85 ~~[(a)]~~ (b) "Department" means the Department of Veterans and Military Affairs.

86 ~~[(b)]~~ (c) "Military" means a branch of the armed forces of the United States, including
87 the Utah National Guard.

88 ~~[(c)]~~ (d) "Military land" means the following land or facilities:

89 (i) Camp Williams;

- 90 (ii) Hill Air Force Base;
- 91 (iii) Dugway Proving Ground;
- 92 (iv) Tooele Army Depot;
- 93 (v) Utah Test and Training Range;
- 94 (vi) Nephi Readiness Center;
- 95 (vii) Cedar City Alternate Flight Facility; or
- 96 (viii) Little Mountain Test Facility.

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

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

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

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

110 [~~(a)~~] (i) determine whether the proposed land use is compatible with the military use of
111 the relevant military land; and

112 [~~(b)~~] (ii) within 90 days after the receipt of the notice described in Subsection (3),
113 respond in writing to the county regarding the determination of compatibility described in
114 Subsection (4)(a)(i).

115 (b) If the department determines that a proposed land use is incompatible with the
116 military use of the relevant military land, and the department notifies the county as described in
117 Subsection (4)(a)(ii), the county should not allow development in the vicinity of a military
118 installation that is incompatible with the military installation's ability to carry out the military
119 installation's mission requirements.

120 (5) If the department receives the notice described in Subsection (3) before the county

121 has completed the compatible use plan as described in this section, the department shall consult
122 with the county and representatives of the relevant military land to determine whether the use
123 proposed in the land use application is a compatible use.

124 Section 3. **Effective date.**

125 This bill takes effect on May 1, 2024.