

Representative Val L. Peterson proposes the following substitute bill:

MILITARY COMPATIBLE LAND USE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: David G. Buxton

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



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

Section 1. Section **10-9a-537** is amended 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) (a) If the department receives the notice described in Subsection (3), the executive director of the department shall:

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

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

60 (b) (i) For a land use application pertaining to a parcel within 5,000 feet of military
61 land that may have an adverse effect on the operations of the military installation, except as
62 provided in Subsection (4)(b)(ii), the municipality shall consider the compatible use plan in
63 processing the land use application.

64 (ii) For a land use application pertaining to a parcel within 5,000 feet of military land
65 that may have an adverse effect on the operations of the military installation, if the applicant
66 has a vested right, the municipality is not required to consider the compatible land use plan in
67 consideration of the land use application.

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

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

73 **17-27a-533. Land use compatibility with military use.**

74 (1) As used in this section:

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

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

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

79 (i) Camp Williams;

80 (ii) Hill Air Force Base;

81 (iii) Dugway Proving Ground;

82 (iv) Tooele Army Depot;

83 (v) Utah Test and Training Range;

84 (vi) Nephi Readiness Center;

85 (vii) Cedar City Alternate Flight Facility; or

86 (viii) Little Mountain Test Facility.

87 (2) (a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area

88 in a county within 5,000 feet of a boundary of military land, a county shall, in consultation with
89 the department, develop and maintain a compatible use plan to ensure permitted uses and
90 conditional uses relevant to the military land are compatible with the military operations on
91 military land.

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

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

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

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

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

104 (b) (i) For a land use application pertaining to a parcel within 5,000 feet of military
105 land that may have an adverse effect on the operations of the military installation, except as
106 provided in Subsection (4)(b)(ii), the county shall consider the compatible use plan in
107 processing the land use application.

108 (ii) For a land use application pertaining to a parcel within 5,000 feet of military land
109 that may have an adverse effect on the operations of the military installation, if the applicant
110 has a vested right, the county is not required to consider the compatible land use plan in
111 consideration of the land use application.

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

116 Section 3. **Effective date.**

117 This bill takes effect on May 1, 2024.