

HB0256S01 compared with HB0256

~~deleted text~~ shows text that was in HB0256 but was deleted in HB0256S01.

inserted text shows text that was not in HB0256 but was inserted into HB0256S01.

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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: _____

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

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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:

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) "Application" means:~~

~~— (i) an application or petition to annex land;~~

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

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

‡ ~~{(a) (b)}~~ "Department" means the Department of Veterans and Military Affairs.

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

~~{(c) (d)}~~ "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

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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 ~~an~~ a land use application ~~other than an individual building permit,~~ ~~an application~~ related to land within 5,000 feet of a boundary of military land, before the municipality may approve the ~~an~~ land use ~~an~~ 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

~~(b)~~ (ii) 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)(i).

~~(b) If the department determines that a proposed land use is incompatible with the military use of the relevant military land, and the department notifies the municipality as described;~~ (i) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military installation, except as provided in Subsection (4)(a)(b)(ii), the municipality should not allow development in the vicinity of a military installation that is incompatible with shall consider the compatible use plan in processing the land use application.

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

(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

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determine whether the use proposed in the land use application is a compatible use.

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

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

(1) As used in this section:

~~{ (a) "Application" means:~~
~~(i) an application or petition to annex land;~~
~~(ii) an application to enact, amend, or repeal a land use regulation; or~~
~~(iii) any land use application, other than an individual building permit, that would result in a significant land use change that might have an adverse effect on the operation of the military installation.~~

~~{ (b) "Department" means the Department of Veterans and Military Affairs.~~

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

~~{ (d) "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, other than an individual building permit,~~ { an application } related to land within 5,000 feet of a boundary of military land,

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before the county may approve the ~~the~~ land use ~~the~~ application, the county 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

~~[(b)]~~ (ii) 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)(i).

~~(b) If the department determines that a proposed land use is incompatible with the military use of the relevant military land, and the department notifies the county as described in Subsection (4)(a)(ii), the county should not allow development in the vicinity of a military installation that is incompatible with~~ (i) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military ~~installation's ability to carry out~~ installation, except as provided in Subsection (4)(b)(ii), the county shall consider the compatible use plan in processing the land use application.

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

(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. **Effective date.**

This bill takes effect on May 1, 2024.