

**CRITICAL INFRASTRUCTURE AND MINING**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

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

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**LONG TITLE**

**General Description:**

This bill addresses issues related to critical infrastructure materials and mining.

**Highlighted Provisions:**

This bill:

- ▶ addresses the treatment of critical infrastructure materials operations and mining operations by political subdivisions;
- ▶ requires counties to adopt plans related to critical infrastructure materials; and
- ▶ requires reporting.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**17-41-402.2**, Utah Code Annotated 1953

**17-41-402.3**, Utah Code Annotated 1953

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

Section 1. Section **17-41-402.2** is enacted to read:

**17-41-402.2. Treatment of critical infrastructure materials operations and mining**



28 **operations as a permitted or conditional use -- Political subdivision utility services.**

29 (1) (a) By no later than December 31, 2024, the ordinances of a political subdivision  
30 shall allow critical infrastructure materials operations and mining operations as a permitted or  
31 conditional use, subject to standards that are:

32 (i) determined by the political subdivision; and

33 (ii) consistent with this chapter.

34 (b) A political subdivision whose ordinances do not comply with Subsection (1)(a) by  
35 December 31, 2024, is considered to allow critical infrastructure materials operations and  
36 mining operations as a permitted use without regard to any contrary provision in the political  
37 subdivisions land use ordinances.

38 (c) A political subdivision may not restrict, prohibit, or impose a condition that would  
39 unreasonably limit critical infrastructure materials operations or mining operations.

40 (d) Subsection (1)(a) shall apply to all zones within a political subdivision that have  
41 land that is located:

42 (i) at least 1,000 feet from a dwelling or house; and

43 (ii) within 500 feet from rail or an interstate highway.

44 (e) A condition determined by a political subdivision to apply to critical infrastructure  
45 materials operations or mining operations shall provide a reasonable opportunity to operate the  
46 critical infrastructure materials operations or mining operations. A standard in effect on May 1,  
47 2024, that unreasonably restricts, prohibits, or limits critical infrastructure materials operations  
48 or mining operations, including overlay zoning, does not apply to critical infrastructure  
49 materials operations or mining operations.

50 (f) A political subdivision may not prohibit the transporting, unloading, loading,  
51 transfer, extraction, development, processing, storage, or sale of a natural resource on or within  
52 critical infrastructure materials operations or mining operations.

53 (2) (a) A political subdivision shall provide utility service to critical infrastructure  
54 materials operations or mining operation if:

55 (i) the critical infrastructure materials operations or mining operations are situated  
56 within the service area of the political subdivision;

57 (ii) (A) the political subdivision provides the same utility service to land within a  
58 2-mile radius of the critical infrastructure materials operations or mining operations outside the

59 service area of the political subdivision; and

60 (B) the political subdivision has source capacity to provide the utility service; or

61 (iii) the political subdivision can reasonably provide the utility service to the critical

62 infrastructure materials operations or mining operations without material detrimental impact to

63 other customers of the political subdivision, regardless of whether the critical infrastructure

64 materials operations or mining operations are situated within the service area of the political

65 subdivision.

66 (b) The operator of critical infrastructure materials operations or mining operations

67 shall pay reasonable costs for a utility service described in Subsection (2)(a).

68 (c) A political subdivision shall provide the level and quality of utility service within

69 critical infrastructure materials operations or mining operations that are fairly and reasonably

70 consistent with the level and quality of utility service that the political subdivision provides to

71 other similarly situated areas.

72 (d) A political subdivision may charge reasonable impact fees to the critical

73 infrastructure materials operations or mining operations in accordance with Title 11, Chapter

74 36a, Impact Fees Act, for the costs of expanding the political subdivision's utility infrastructure

75 necessary to utility service a critical infrastructure materials operations or mining operations.

76 Section 2. Section **17-41-402.3** is enacted to read:

77 **17-41-402.3. County plan for critical infrastructure materials and permitted**  
78 **operations.**

79 (1) (a) By no later than November 30, 2024, a county legislative body shall adopt a

80 critical infrastructure materials plan meeting the requirements of Subsection (2) that provides

81 for how the county will ensure that there is adequate critical infrastructure materials operations

82 in the county to supply the demand for critical infrastructure measured by the county's

83 population as of May 1, 2024, and the county's projected population in 2044.

84 (b) A county shall update the plan described in Subsection (1)(a) every five years

85 measuring the demand for critical infrastructure materials based on the county's population in

86 the year the updated plan is adopted and the county's projected population 20 years from the

87 year the updated plan is adopted.

88 (2) The plan required by this section shall include:

89 (a) an assessment of critical infrastructure materials production within the county as of

90 the year the plan is adopted, including:

91 (i) levels of production;

92 (ii) the number and location of critical infrastructure materials operations in the county;

93 and

94 (iii) costs related to transporting and distributing critical infrastructure materials;

95 (b) an assessment of projected future demand through at least 20 years from the year

96 the plan is adopted, including:

97 (i) effects of residential and commercial development in the county;

98 (ii) known planned projects, such as transportation projects; and

99 (iii) maintenance of existing infrastructure;

100 (c) how the county plans to maintain adequate production of critical infrastructure

101 materials to meet the demand described in Subsection (2)(b) through 20 years from the year the

102 plan is adopted, including how the county plans to:

103 (i) allow for critical infrastructure materials operations being located in areas within the

104 county that are reasonably near where the critical infrastructure materials will be needed;

105 (ii) allow for establishment of new critical infrastructure materials operations or

106 expansion of existing critical infrastructure materials operations when other existing critical

107 infrastructure materials operations are no longer viable; and

108 (iii) allow for critical infrastructure materials operations that produce critical

109 infrastructure materials that are of a quality that the critical infrastructure materials may be

110 used in construction; and

111 (d) how the county plans to address any other circumstance that the county believes

112 relates to ensuring adequate critical infrastructure materials operations.

113 (3) (a) A county shall report the county's plan that meets the requirements of this

114 section to the Legislative Management Committee by no later than December 31, 2024, and

115 shall report updated plans every five years by December 31 of the year that the updated plan is

116 adopted.

117 (b) Notwithstanding Subsection (3)(a), the counties may coordinate the reports

118 required under this Subsection (3) with the Utah Association of Counties if the Utah

119 Association of Counties agrees to provide a single consolidated report.

120 **Section 3. Effective date.**

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This bill takes effect on May 1, 2024.