

1 **TEMPORARY LAND USE REGULATION AMENDMENTS**

2 2019 GENERAL SESSION
3 STATE OF UTAH

4 **Chief Sponsor: Ralph Okerlund**

5 House Sponsor: _____

6 **LONG TITLE**

7 **General Description:**

8 This bill amends provisions regarding a county legislative body's ability to enact a
9 temporary land use regulation.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ adds a certain water study ~~S~~→ in a county of the fifth or sixth class ~~S~~ to the
13a circumstances that allow a county legislative body
14 to enact a temporary land use regulation that prohibits certain development;
15 ▶ allows the county legislative body ~~S~~→ in a county of the fifth or sixth class ~~S~~ to
15a extend the temporary land use regulation on
16 the body's own motion; and
17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **17-27a-504**, as renumbered and amended by Laws of Utah 2005, Chapter 254

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

26 Section 1. Section **17-27a-504** is amended to read:



S.B. 189

28 **17-27a-504. Temporary land use regulations.**29 (1) (a) A county legislative body may, without prior consideration of or
30 recommendation from the planning commission, enact an ordinance establishing a temporary
31 land use regulation for any part or all of the area within the county if:32 (i) the legislative body makes a finding of compelling, countervailing public interest;
33 or

34 (ii) the area is unregulated.

35 (b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate
36 the erection, construction, reconstruction, or alteration of any building or structure or any
37 subdivision approval.38 (c) A temporary land use regulation under Subsection (1)(a) may not impose an impact
39 fee or other financial requirement on building or development.40 (2) The legislative body shall establish a period of limited effect for the ordinance not
41 to exceed six months.42 (3) (a) A legislative body may, without prior planning commission consideration or
43 recommendation, enact an ordinance establishing a temporary land use regulation prohibiting
44 construction, subdivision approval, and other development activities within an area that is the
45 subject of an Environmental Impact Statement [or], a Major Investment Study examining the
46 area as a proposed highway or transportation corridor, or ~~→~~, in a county of the fifth or sixth
46a class, ←~~→~~ a study of water availability, capacity,47 or quality that the Division of Water ~~→~~ [Quality] Rights ~~→~~ conducts ~~→~~ or oversees ~~→~~ .

48 (b) A regulation under Subsection (3)(a):

49 (i) may not exceed six months in duration;

50 (ii) may be renewed, if requested by the Transportation Commission created under
51 Section 72-1-301 or ~~→~~, in a county of the fifth or sixth class, ←~~→~~ by the legislative body on the
51a body's own motion, for up to two additional

52 six-month periods by ordinance enacted before the expiration of the previous regulation; and

53 (iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the
54 [Environmental Impact Statement or Major Investment Study is in progress] circumstance
55 giving rise to the regulation remains in existence.