

TEMPORARY LAND USE REGULATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ralph Okerlund

House Sponsor: _____

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- ▶ adds a certain water study ~~§~~→ in a county of the fifth or sixth class ←~~§~~ to the circumstances that allow a county legislative body

to enact a temporary land use regulation that prohibits certain development;

- ▶ allows the county legislative body ~~§~~→ in a county of the fifth or sixth class ←~~§~~ to extend the temporary land use regulation on

the body's own motion; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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



17-27a-504. Temporary land use regulations.

(1) (a) A county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:

(i) the legislative body makes a finding of compelling, countervailing public interest; or

(ii) the area is unregulated.

(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2) The legislative body shall establish a period of limited effect for the ordinance not to exceed six months.

(3) (a) A legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement ~~[or]~~, a Major Investment Study examining the area as a proposed highway or transportation corridor, ~~or~~ **§→ , in a county of the fifth or sixth class, ←§** ~~a study of water availability, capacity,~~

~~or quality that the Division of Water~~ **§→ [Quality] Rights ←§** ~~conducts~~ **§→ or oversees ←§** .

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

(i) may not exceed six months in duration;

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

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

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