

**LAND USE PLANNING AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Doug Owens**

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

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to local government land use plans and regulations.

**Highlighted Provisions:**

This bill:

▸ requires municipalities and counties to consider development impacts on wildlife in the process of considering and adopting general plans and land use regulations.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-401**, as last amended by Laws of Utah 2023, Chapter 88

**10-9a-501**, as last amended by Laws of Utah 2023, Chapter 65

**17-27a-401**, as last amended by Laws of Utah 2023, Chapters 34, 88

**17-27a-501**, as last amended by Laws of Utah 2023, Chapter 65

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

Section 1. Section **10-9a-401** is amended to read:



28 **10-9a-401. General plan required -- Content.**

29 (1) To accomplish the purposes of this chapter, a municipality shall prepare and adopt  
30 a comprehensive, long-range general plan for:

- 31 (a) present and future needs of the municipality; and
- 32 (b) growth and development of all or any part of the land within the municipality.

33 (2) The general plan may provide for:

34 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic  
35 activities, aesthetics, and recreational, educational, and cultural opportunities;

36 (b) the reduction of the waste of physical, financial, or human resources that result  
37 from either excessive congestion or excessive scattering of population;

38 (c) the efficient and economical use, conservation, and production of the supply of:

39 (i) food and water; and

40 (ii) drainage, sanitary, and other facilities and resources;

41 (d) the use of energy conservation and solar and renewable energy resources;

42 (e) the protection of urban development;

43 (f) if the municipality is a town, the protection or promotion of moderate income  
44 housing;

45 (g) the protection and promotion of air quality;

46 (h) historic preservation;

47 (i) identifying future uses of land that are likely to require an expansion or significant  
48 modification of services or facilities provided by an affected entity; and

49 (j) an official map.

50 (3) (a) The general plan of a specified municipality, as defined in Section 10-9a-408,  
51 shall include a moderate income housing element that meets the requirements of Subsection  
52 10-9a-403(2)(a)(iii).

53 (b) (i) This Subsection (3)(b) applies to a municipality that is not a specified  
54 municipality as of January 1, 2023.

55 (ii) As of January 1, if a municipality described in Subsection (3)(b)(i) changes from  
56 one class to another or grows in population to qualify as a specified municipality as defined in  
57 Section 10-9a-408, the municipality shall amend the municipality's general plan to comply with  
58 Subsection (3)(a) on or before August 1 of the first calendar year beginning on January 1 in

59 which the municipality qualifies as a specified municipality.

60 (4) (a) Subject to Subsection 10-9a-403(2), the municipality may determine the  
61 comprehensiveness, extent, and format of the general plan.

62 (b) In preparing and adopting a general plan, the municipality shall consider:

63 (i) the impacts of development on wildlife, including the impacts on wildlife  
64 movement and wildlife habitat; and

65 (ii) how the impacts described in Subsection (4)(b)(i) may be mitigated.

66 (5) Except for a city of the fifth class or a town, on or before December 31, 2025, a  
67 municipality that has a general plan that does not include a water use and preservation element  
68 that complies with Section 10-9a-403 shall amend the municipality's general plan to comply  
69 with Section 10-9a-403.

70 Section 2. Section 10-9a-501 is amended to read:

71 **10-9a-501. Enactment of land use regulation, land use decision, or development**  
72 **agreement.**

73 (1) Only a legislative body, as the body authorized to weigh policy considerations, may  
74 enact a land use regulation.

75 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use  
76 regulation only by ordinance.

77 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that  
78 imposes a fee.

79 (3) (a) A legislative body shall ensure that a land use regulation is consistent with the  
80 purposes set forth in this chapter.

81 (b) In considering and adopting a land use regulation, a legislative body shall consider:

82 (i) the impacts of development on wildlife, including the impacts on wildlife  
83 movement and wildlife habitat; and

84 (ii) how the impacts described in Subsection (3)(b)(i) may be mitigated.

85 (4) (a) A legislative body shall adopt a land use regulation to:

86 (i) create or amend a zoning district under Subsection 10-9a-503(1)(a); and

87 (ii) designate general uses allowed in each zoning district.

88 (b) A land use authority may establish or modify other restrictions or requirements  
89 other than those described in Subsection (4)(a), including the configuration or modification of

90 uses or density, through a land use decision that applies criteria or policy elements that a land  
91 use regulation establishes or describes.

92 (5) A municipality may not adopt a land use regulation, development agreement, or  
93 land use decision that restricts the type of crop that may be grown in an area that is:

94 (a) zoned agricultural; or

95 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

96 (6) A municipal land use regulation pertaining to an airport or an airport influence area,  
97 as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport  
98 Zoning Act.

99 Section 3. Section 17-27a-401 is amended to read:

100 **17-27a-401. General plan required -- Content -- Resource management plan --**  
101 **Provisions related to radioactive waste facility.**

102 (1) To accomplish the purposes of this chapter, a county shall prepare and adopt a  
103 comprehensive, long-range general plan:

104 (a) for present and future needs of the county;

105 (b) (i) for growth and development of all or any part of the land within the  
106 unincorporated portions of the county; or

107 (ii) if a county has designated a mountainous planning district, for growth and  
108 development of all or any part of the land within the mountainous planning district; and

109 (c) as a basis for communicating and coordinating with the federal government on land  
110 and resource management issues.

111 (2) To promote health, safety, and welfare, the general plan may provide for:

112 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic  
113 activities, aesthetics, and recreational, educational, and cultural opportunities;

114 (b) the reduction of the waste of physical, financial, or human resources that result  
115 from either excessive congestion or excessive scattering of population;

116 (c) the efficient and economical use, conservation, and production of the supply of:

117 (i) food and water; and

118 (ii) drainage, sanitary, and other facilities and resources;

119 (d) the use of energy conservation and solar and renewable energy resources;

120 (e) the protection of urban development;

- 121 (f) the protection and promotion of air quality;
- 122 (g) historic preservation;
- 123 (h) identifying future uses of land that are likely to require an expansion or significant  
124 modification of services or facilities provided by an affected entity; and

125 (i) an official map.

126 (3) (a) (i) The general plan of a specified county, as defined in Section 17-27a-408,  
127 shall include a moderate income housing element that meets the requirements of Subsection  
128 17-27a-403(2)(a)(iii).

129 (ii) (A) This Subsection (3)(a)(ii) applies to a county that does not qualify as a  
130 specified county as of January 1, 2023.

131 (B) As of January 1, if a county described in Subsection (3)(a)(ii)(A) changes from one  
132 class to another or grows in population to qualify as a specified county as defined in Section  
133 17-27a-408, the county shall amend the county's general plan to comply with Subsection  
134 (3)(a)(i) on or before August 1 of the first calendar year beginning on January 1 in which the  
135 county qualifies as a specified county.

136 (iii) A county described in Subsection (3)(a)(ii)(B) shall send a copy of the county's  
137 amended general plan to the association of governments, established pursuant to an interlocal  
138 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a  
139 member.

140 (b) The general plan shall contain a resource management plan for the public lands, as  
141 defined in Section 63L-6-102, within the county.

142 (c) The resource management plan described in Subsection (3)(b) shall address:

- 143 (i) mining;
- 144 (ii) land use;
- 145 (iii) livestock and grazing;
- 146 (iv) irrigation;
- 147 (v) agriculture;
- 148 (vi) fire management;
- 149 (vii) noxious weeds;
- 150 (viii) forest management;
- 151 (ix) water rights;

- 152 (x) ditches and canals;
  - 153 (xi) water quality and hydrology;
  - 154 (xii) flood plains and river terraces;
  - 155 (xiii) wetlands;
  - 156 (xiv) riparian areas;
  - 157 (xv) predator control;
  - 158 (xvi) wildlife;
  - 159 (xvii) fisheries;
  - 160 (xviii) recreation and tourism;
  - 161 (xix) energy resources;
  - 162 (xx) mineral resources;
  - 163 (xxi) cultural, historical, geological, and paleontological resources;
  - 164 (xxii) wilderness;
  - 165 (xxiii) wild and scenic rivers;
  - 166 (xxiv) threatened, endangered, and sensitive species;
  - 167 (xxv) land access;
  - 168 (xxvi) law enforcement;
  - 169 (xxvii) economic considerations; and
  - 170 (xxviii) air.
- 171 (d) For each item listed under Subsection (3)(c), a county's resource management plan
- 172 shall:
- 173 (i) establish findings pertaining to the item;
  - 174 (ii) establish defined objectives; and
  - 175 (iii) outline general policies and guidelines on how the objectives described in
- 176 Subsection (3)(d)(ii) are to be accomplished.
- 177 (4) (a) (i) The general plan shall include specific provisions related to an area within, or
- 178 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
- 179 county, which are proposed for the siting of a storage facility or transfer facility for the
- 180 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
- 181 these wastes are defined in Section [19-3-303](#).
- 182 (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the

183 proposed site upon the health and general welfare of citizens of the state, and shall provide:

184 (A) the information identified in Section 19-3-305;

185 (B) information supported by credible studies that demonstrates that Subsection  
186 19-3-307(2) has been satisfied; and

187 (C) specific measures to mitigate the effects of high-level nuclear waste and greater  
188 than class C radioactive waste and guarantee the health and safety of the citizens of the state.

189 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance  
190 indicating that all proposals for the siting of a storage facility or transfer facility for the  
191 placement of high-level nuclear waste or greater than class C radioactive waste wholly or  
192 partially within the county are rejected.

193 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

194 (d) The county shall send a certified copy of the ordinance described in Subsection  
195 (4)(b) to the executive director of the Department of Environmental Quality by certified mail  
196 within 30 days of enactment.

197 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

198 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

199 (ii) send a certified copy of the repeal to the executive director of the Department of  
200 Environmental Quality by certified mail within 30 days after the repeal.

201 (5) The general plan may define the county's local customs, local culture, and the  
202 components necessary for the county's economic stability.

203 (6) (a) Subject to Subsection 17-27a-403(2), the county may determine the  
204 comprehensiveness, extent, and format of the general plan.

205 (b) In preparing and adopting a general plan, the county shall consider:

206 (i) the impacts of development on wildlife, including the impacts on wildlife  
207 movement and wildlife habitat; and

208 (ii) how the impacts described in Subsection (6)(b)(i) may be mitigated.

209 (7) If a county has designated a mountainous planning district, the general plan for the  
210 mountainous planning district is the controlling plan.

211 (8) Nothing in this part may be construed to limit the authority of the state to manage  
212 and protect wildlife under Title 23A, Wildlife Resources Act.

213 (9) On or before December 31, 2025, a county that has a general plan that does not

214 include a water use and preservation element that complies with Section 17-27a-403 shall  
215 amend the county's general plan to comply with Section 17-27a-403.

216 Section 4. Section 17-27a-501 is amended to read:

217 **17-27a-501. Enactment of land use regulation.**

218 (1) Only a legislative body, as the body authorized to weigh policy considerations, may  
219 enact a land use regulation.

220 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use  
221 regulation only by ordinance.

222 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that  
223 imposes a fee.

224 (3) (a) A land use regulation shall be consistent with the purposes set forth in this  
225 chapter.

226 (b) In considering and adopting a land use regulation, a legislative body shall consider:

227 (i) the impacts of development on wildlife, including the impacts on wildlife

228 movement and wildlife habitat; and

229 (ii) how the impacts described in Subsection (3)(b)(i) may be mitigated.

230 (4) (a) A legislative body shall adopt a land use regulation to:

231 (i) create or amend a zoning district under Subsection 17-27a-503(1)(a); and

232 (ii) designate general uses allowed in each zoning district.

233 (b) A land use authority may establish or modify other restrictions or requirements  
234 other than those described in Subsection (4)(a), including the configuration or modification of  
235 uses or density, through a land use decision that applies criteria or policy elements that a land  
236 use regulation establishes or describes.

237 (5) A county may not adopt a land use regulation, development agreement, or land use  
238 decision that restricts the type of crop that may be grown in an area that is:

239 (a) zoned agricultural; or

240 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

241 (6) A county land use regulation pertaining to an airport or an airport influence area, as  
242 that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport  
243 Zoning Act.

244 Section 5. **Effective date.**



245

This bill takes effect on May 1, 2024.