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MILITARY COMPATIBLE LAND USE AMENDMENTS

2024 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Val L. Peterson

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
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

- 23 Be it enacted by the Legislature of the state of Utah:
- Section 1. Section **10-9a-537** is amended to read:
- 25 10-9a-537. Land use compatibility with military use.
- 26 (1) As used in this section:

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- 27 (a) "Department" means the Department of Veterans and Military Affairs.
- 28 (b) "Military" means a branch of the armed forces of the United States, including the

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29	Utah National Guard.
30	(c) "Military land" means the following land or facilities:
31	(i) Camp Williams;
32	(ii) Hill Air Force Base;
33	(iii) Dugway Proving Ground;
34	(iv) Tooele Army Depot;
35	(v) Utah Test and Training Range;
36	(vi) Nephi Readiness Center;
37	(vii) Cedar City Alternate Flight Facility; or
38	(viii) Little Mountain Test Facility.
39	(2) (a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area in
40	a municipality within 5,000 feet of a boundary of military land, a municipality shall,
41	in consultation with the department, develop and maintain a compatible use plan to
42	ensure permitted uses and conditional uses relevant to the military land are
43	compatible with the military operations on military land.
44	(b) A municipality that has a compatible use plan as of January 1, 2023, is not required
45	to develop a new compatible use plan.
46	(3) If a municipality receives a land use application[, other than an individual building
47	permit,] related to land within 5,000 feet of a boundary of military land, before the
48	municipality may approve the land use application, the municipality shall notify the
49	department in writing.
50	(4) (a) If the department receives the notice described in Subsection (3), the executive
51	director of the department shall:
52	[(a)] (i) determine whether the proposed land use is compatible with the military use
53	of the relevant military land; and
54	[(b)] (ii) within 90 days after the receipt of the notice described in Subsection (3),
55	respond in writing to the municipality regarding the determination of
56	compatibility described in Subsection (4)(a)(i).
57	(b) (i) For a land use application pertaining to a parcel within 5,000 feet of military
58	land that may have an adverse effect on the operations of the military installation,
59	except as provided in Subsection (4)(b)(ii), the municipality shall consider the
60	compatible use plan in processing the land use application.
61	(ii) For a land use application pertaining to a parcel within 5,000 feet of military land
62	that may have an adverse effect on the operations of the military installation, if the

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63		applicant has a vested right, the municipality is not required to consider the
64		compatible land use plan in consideration of the land use application.
65	(5)	If the department receives the notice described in Subsection (3) before the municipality
66		has completed the compatible use plan as described in this section, the department shall
67		consult with the municipality and representatives of the relevant military land to
68		determine whether the use proposed in the land use application is a compatible use.
69		Section 2. Section 17-27a-533 is amended to read:
70		17-27a-533. Land use compatibility with military use.
71	(1)	As used in this section:
72		(a) "Department" means the Department of Veterans and Military Affairs.
73		(b) "Military" means a branch of the armed forces of the United States, including the
74		Utah National Guard.
75		(c) "Military land" means the following land or facilities:
76		(i) Camp Williams;
77		(ii) Hill Air Force Base;
78		(iii) Dugway Proving Ground;
79		(iv) Tooele Army Depot;
80		(v) Utah Test and Training Range;
81		(vi) Nephi Readiness Center;
82		(vii) Cedar City Alternate Flight Facility; or
83		(viii) Little Mountain Test Facility.
84	(2)	(a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area in
85		a county within 5,000 feet of a boundary of military land, a county shall, in
86		consultation with the department, develop and maintain a compatible use plan to
87		ensure permitted uses and conditional uses relevant to the military land are
88		compatible with the military operations on military land.
89		(b) A county that has a compatible use plan as of January 1, 2023, is not required to
90		develop a new compatible use plan.
91	(3)	If a county receives a land use application[, other than an individual building permit,]
92		related to land within 5,000 feet of a boundary of military land, before the county may
93		approve the land use application, the county shall notify the department in writing.
94	(4)	(a) If the department receives the notice described in Subsection (3), the executive
95		director of the department shall:
96		[(a)] (i) determine whether the proposed land use is compatible with the military use

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97	of the relevant military land; and
98	[(b)] (ii) within 90 days after the receipt of the notice described in Subsection (3),
99	respond in writing to the county regarding the determination of compatibility
100	described in Subsection (4)(a)(i).
101	(b) (i) For a land use application pertaining to a parcel within 5,000 feet of military
102	land that may have an adverse effect on the operations of the military installation,
103	except as provided in Subsection (4)(b)(ii), the county shall consider the
104	compatible use plan in processing the land use application.
105	(ii) For a land use application pertaining to a parcel within 5,000 feet of military land
106	that may have an adverse effect on the operations of the military installation, if the
107	applicant has a vested right, the county is not required to consider the compatible
108	land use plan in consideration of the land use application.
109	(5) If the department receives the notice described in Subsection (3) before the county has
110	completed the compatible use plan as described in this section, the department shall
111	consult with the county and representatives of the relevant military land to determine
112	whether the use proposed in the land use application is a compatible use.
113	Section 3. Effective date.
114	This bill takes effect on May 1, 2024.