

1st Sub. S.B. 267

CHANGES TO LOCAL GOVERNMENT PROVISIONS

SENATE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 21, 2006 10:52 AM

Senator **L. Alma Mansell** proposes the following amendments:

1. *Page 1, Line 19:*

19 applications with reasonable diligence;

▶ expands the definition of "public safety facility" for impact fee purposes to include certain fire suppression equipment;

▶ provides that a local political subdivision may impose an impact fee for a public safety facility that is a fire suppression vehicle in commercial areas only;

2. *Page 2, Line 36:*

36 10-9a-603, as renumbered and amended by Chapter 254, Laws of Utah 2005

= 11-36-102, as last amended by Chapter 239, Laws of Utah 2002

3. *Page 11, Lines 330 through 331:*

330 (b) An owner's failure to record a plat within the time period designated by ordinance

331 renders the plat voidable.

= Section 7. Section 11-36-102 is amended to read:

11-36-102. Definitions.

As used in this chapter:

(1) "Building permit fee" means the fees charged to enforce the uniform codes adopted pursuant to Title 58, Chapter 56, Utah Uniform Building Standards Act, that are not greater than the fees indicated in the appendix to the Uniform Building Code.

(2) "Capital facilities plan" means the plan required by Section 11-36-201.

(3) "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.

(4) "Development approval" means any written authorization from a local political subdivision that authorizes the commencement of development activity.

(5) "Enactment" means:

(a) a municipal ordinance, for municipalities;

(b) a county ordinance, for counties; and

(c) a governing board resolution, for special districts.

(6) "Hookup fees" means reasonable fees, not in excess of the approximate average costs to the political subdivision, for services provided for and directly attributable to the connection to utility services, including

gas, water, sewer, power, or other municipal, county, or independent special district utility services.

(7) (a) "Impact fee" means a payment of money imposed upon development activity as a condition of development approval.

(b) "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.

(8) (a) "Local political subdivision" means a county, a municipality, or a special district created under Title 17A, Special Districts.

(b) "Local political subdivision" does not mean school districts, whose impact fee activity is governed by Section 53A-20-100.5.

(9) "Private entity" means an entity with private ownership that provides culinary water that is required to be used as a condition of development.

(10) (a) "Project improvements" means site improvements and facilities that are:

(i) planned and designed to provide service for development resulting from a development activity; and

(ii) necessary for the use and convenience of the occupants or users of development resulting from a development activity.

(b) "Project improvements" does not mean system improvements.

(11) "Proportionate share" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any development activity.

(12) "Public facilities" means only the following capital facilities that have a life expectancy of ten or more years and are owned or operated by or on behalf of a local political subdivision or private entity:

(a) water rights and water supply, treatment, and distribution facilities;

(b) wastewater collection and treatment facilities;

(c) storm water, drainage, and flood control facilities;

(d) municipal power facilities;

(e) roadway facilities;

(f) parks, recreation facilities, open space, and trails; and

(g) public safety facilities.

(13) (a) "Public safety facility" means ∴

= (i) a building constructed or leased to house police, fire, or other public safety entities {∴} ∴ or
(ii) a fire suppression vehicle, costing in excess of \$1,000,000, that is necessary for fire suppression in commercial areas.

(b) "Public safety facility" does not mean a jail, prison, or other place of involuntary incarceration.

(14) (a) "Roadway facilities" means streets or roads that have been designated on an officially adopted subdivision plat, roadway plan, or general plan of a political subdivision, together with all necessary appurtenances.

(b) "Roadway facilities" includes associated improvements to federal or state roadways only when the associated improvements:

(i) are necessitated by the new development; and

(ii) are not funded by the state or federal government.

(c) "Roadway facilities" does not mean federal or state roadways.

(15) (a) "Service area" means a geographic area designated by a local political subdivision on the basis of sound planning or engineering principles in which a defined set of public facilities provide service within the area.

(b) "Service area" may include the entire local political subdivision.

(16) (a) "System improvements" means:

(i) existing public facilities that are designed to provide services to service areas within the community at large; and

(ii) future public facilities identified in a capital facilities plan that are intended to provide services to service areas within the community at large.

(b) "System improvements" does not mean project improvements.

Renumber remaining sections accordingly.

4. Page 14, Line 423:

423 (7) Notwithstanding any other provision of this chapter ~~{, municipalities}~~ ;
(a) a municipality imposing

5. Page 14, Line 425:

425 fire trucks until July 1, 1997 ~~{.}~~ ; and
(b) an impact fee to pay for a public safety facility that is a fire suppression vehicle may not be imposed with respect to land that has a zoning designation other than commercial.