

**IMPACT FEES - PUBLIC SAFETY
FACILITY**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory S. Bell

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Impact Fees Act.

Highlighted Provisions:

This bill:

- ▶ modifies the definition of public safety facility in the Impact Fees Act.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-36-102, as last amended by Laws of Utah 2007, Chapter 329

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

Section 1. 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



28 than the fees indicated in the appendix to the International Building Code.

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

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

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

35 (5) "Enactment" means:

36 (a) a municipal ordinance, for municipalities;

37 (b) a county ordinance, for counties; and

38 (c) a governing board resolution, for local districts or special service districts.

39 (6) "Hookup fees" means reasonable fees, not in excess of the approximate average
40 costs to the political subdivision, for services provided for and directly attributable to the
41 connection to utility services, including gas, water, sewer, power, or other municipal, county,
42 local district, or special service district utility services.

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

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

47 (8) (a) "Local political subdivision" means a county, a municipality, a local district
48 under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special
49 service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act.

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

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

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

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

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

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

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

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

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

67 (b) wastewater collection and treatment facilities;

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

69 (d) municipal power facilities;

70 (e) roadway facilities;

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

72 (g) public safety facilities.

73 (13) (a) "Public safety facility" means:

74 (i) a building constructed or leased to house police, fire, or other public safety entities;

75 or

76 (ii) a fire suppression vehicle with a ladder reach of at least 75 feet, costing in excess of
77 [~~\$1,250,000~~] \$750,000, that is necessary for fire suppression in commercial areas with one or
78 more [~~buildings~~] structures at least [~~five stories~~] 60 feet high.

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

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

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

86 (i) are necessitated by the new development; and

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

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

89 (15) (a) "Service area" means a geographic area designated by a local political

90 subdivision on the basis of sound planning or engineering principles in which a defined set of
91 public facilities provide service within the area.

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

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

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

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

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

Legislative Review Note
as of 10-19-07 4:22 PM

Office of Legislative Research and General Counsel

S.B. 51 - Impact Fees - Public Safety Facility

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
