

307 (b) an allocation to a current purchase order or contract.

308 (7) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
309 meter, or appurtenance to connect to a gas, water, sewer, storm water, power, or other utility  
310 system of a municipality, county, local district, special service district, or private entity.

311 (8) (a) "Impact fee" means a payment of money imposed upon new development  
312 activity as a condition of development approval to mitigate the impact of the new development  
313 on public infrastructure.

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

316 (9) "Impact fee analysis" means the written analysis of each impact fee required by  
317 Section 11-36a-303.

318 (10) "Impact fee facilities plan" means the plan required by Section 11-36a-301.

319 (11) "Level of service" means the defined performance standard or unit of demand for  
320 each capital component of a public facility within a service area.

321 ~~[(H)]~~ (12) (a) "Local political subdivision" means a county, a municipality, a local  
322 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a  
323 special service district under Title 17D, Chapter 1, Special Service District Act.

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

326 ~~[(12)]~~ (13) "Private entity" means an entity ~~[with]~~ in private ownership ~~[that provides~~  
327 ~~culinary water that is required to be used as a condition of development.]~~ with at least 100  
328 individual shareholders, customers, or connections, that is located in a first, second, third, or  
329 fourth class county and provides water to an applicant for development approval who is  
330 required to obtain water from the private entity either as a:

331 (a) specific condition of development approval by a local political subdivision  
331a acting ~~H→~~ [in  
332 coordination] pursuant to a prior agreement, whether written or unwritten, ~~←H~~ with the  
332a private entity; or

333 (b) functional condition of development approval because the private entity:

334 (i) has no reasonably equivalent competition in the immediate market; and

335 (ii) is the only realistic source of water for the applicant's development.

336 ~~[(13)]~~ (14) (a) "Project improvements" means site improvements and facilities that are:

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

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

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

371 [~~(18)~~] (19) (a) "Service area" means a geographic area designated by [~~a local political~~  
372 ~~subdivision~~] an entity that imposes an impact fee on the basis of sound planning or engineering  
373 principles in which a public facility, or a defined set of public facilities, provides service within  
374 the area.

375 (b) "Service area" may include the entire local political subdivision or an entire area  
376 served by a private entity.

377 [~~(19)~~] (20) "Specified public agency" means:

378 (a) the state;

379 (b) a school district; or

380 (c) a charter school.

381 [~~(20)~~] (21) (a) "System improvements" means:

382 (i) existing public facilities that are:

383 (A) identified in the impact fee analysis under Section 11-36a-304; and

384 (B) designed to provide services to service areas within the community at large; and

385 (ii) future public facilities identified in the impact fee analysis under Section

386 11-36a-304 that are intended to provide services to service areas within the community at large.

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

388 Section 4. Section **11-36a-301** is amended to read:

389 **11-36a-301. Impact fee facilities plan.**

390 (1) Before imposing an impact fee, each local political subdivision or private entity  
391 shall, except as provided in Subsection (3), prepare an impact fee facilities plan to determine  
392 the public facilities required to serve development resulting from new development activity.

393 (2) A municipality or county need not prepare a separate impact fee facilities plan if the  
394 general plan required by Section 10-9a-401 or 17-27a-401, respectively, contains the elements  
395 required by Section 11-36a-302.

396 (3) ~~Ĥ~~→ [~~(a)~~] ←~~Ĥ~~ A local political subdivision or a private entity with a population,  
397 or serving a  
398 population, of less than 5,000 as of the last federal census that charges impact fees of less than  
399 \$250,000 annually need not comply with the impact fee facilities plan requirements of this part,  
but shall ensure that:

400 ~~H→~~ [(†)] (a) ~~←H~~ the impact fees that the local political subdivision or private entity  
 400a imposes are  
 401 based upon a reasonable plan that otherwise complies with the common law and this chapter;  
 402 and

403 ~~H→~~ [(†)] (b) ~~←H~~ each applicable notice required by this chapter is given.

404 ~~H→~~ [(b) ~~Subsection (3)(a) does not apply to a private entity.~~] ~~←H~~

405 Section 5. Section **11-36a-302** is amended to read:

406 **11-36a-302. Impact fee facilities plan requirements -- Limitations -- School**  
 407 **district or charter school.**

408 (1) (a) An impact fee facilities plan shall [identify]:  
 409 [~~(a) demands placed upon existing public facilities by new development activity; and~~]  
 410 [~~(b) the proposed means by which the local political subdivision will meet those~~  
 411 ~~demands.~~]

412 (i) identify the existing level of service;

413 (ii) subject to Subsection (1)(c), establish a proposed level of service;

414 (iii) identify any excess capacity to accommodate future growth at the proposed level  
 415 of service;

416 (iv) identify demands placed upon existing public facilities by new development  
 417 activity at the proposed level of service; and

418 (v) identify the means by which the political subdivision or private entity will meet  
 419 those growth demands.

420 (b) A proposed level of service may diminish or equal the existing level of service.

421 (c) A proposed level of service may:

422 (i) exceed the existing level of service if, independent of the use of impact fees, the  
 423 political subdivision or private entity provides, implements, and maintains the means to  
 424 increase the existing level of service for existing demand within six years of the date on which  
 425 new growth is charged for the proposed level of service; or

426 (ii) establish a new public facility if, independent of the use of impact fees, the political  
 427 subdivision or private entity provides, implements, and maintains the means to increase the  
 428 existing level of service for existing demand within six years of the date on which new growth  
 429 is charged for the proposed level of service.

430 (2) In preparing an impact fee facilities plan, each local political subdivision shall