

SCHOOL PLANNING AND ZONING PROCESS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Rich Cunningham

LONG TITLE

General Description:

This bill amends the notification requirements for a public school to a local government if the public school intends to acquire a school site or construct a school building.

Highlighted Provisions:

This bill:

- ▶ requires a school district or charter school to:
 - meet with a local governmental entity about a proposed acquisition;
 - provide certain information regarding the acquisition to the local governmental entity; and
 - submit a rough proposed site plan to a design review committee;
- ▶ requires a design review committee to provide comments on a rough proposed site plan;
- ▶ authorizes a local governmental entity, in certain circumstances, to request a traffic study; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-20-108, as last amended by Laws of Utah 2005, Chapter 7

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

Section 1. Section **53A-20-108** is amended to read:

53A-20-108. Notification to local government of intent to acquire school site or construction of school building -- Negotiation of fees -- Confidentiality.

(1) (a) A school district or charter school shall notify the affected local governmental entity without delay prior to the ~~[purchase]~~ acquisition of a school site or construction of a school building of ~~[its intent to purchase]~~ the school district's or charter school's intent to acquire or construct.

(b) (i) Representatives of the local governmental entity and the school district or charter school shall meet as soon as possible after ~~[delivery of the notice]~~ the notification under Subsection (1)(a) takes place in order to:

(A) subject to Subsection (1)(b)(ii), review information provided by the school district or charter school about the proposed acquisition;

~~[(i)]~~ (B) discuss concerns that each may have, including potential community impacts and site safety;

~~[(ii)]~~ (C) assess the availability of infrastructure for the site; and

~~[(iii)]~~ (D) discuss any fees that might be charged by the local governmental entity in connection with a building project.

(ii) The school district or charter school shall provide for review under Subsection (1)(b)(i) the following information, if available, regarding the proposed acquisition:

(A) potential community impacts;

(B) approximate lot size;

(C) approximate building size and use;

(D) estimated student enrollment;

(E) proposals for ingress and egress, parking, and fire lane location; and

(F) building footprint and location.

(2) (a) After the purchase or an acquisition, but before construction begins:

58 ~~[(2) Representatives]~~ (i) representatives of the local governmental entity and the
59 school district or charter school shall meet as soon as possible ~~[after the purchase of a school~~
60 ~~site to discuss concerns that each may have, including potential community impacts, and]~~ to
61 review a rough proposed site plan provided by the school district or charter school, review the
62 information listed in Subsection (1)(b)(ii), and negotiate any fees that might be charged by the
63 local governmental entity in connection with a building project[-];

64 (ii) (A) the school district or charter school shall submit the rough proposed site plan to
65 the local governmental entity's design review committee for comments; and

66 (B) subject to the priority requirement of Subsection 10-9a-305(7)(b), the local
67 governmental entity's design review committee shall provide comments on the rough proposed
68 site plan to the school district or charter school no later than 30 days after the day that the plan
69 is submitted to the design review committee in accordance with this Subsection (2)(a)(ii); and

70 (iii) the local governmental entity may require that the school district or charter school
71 provide a traffic study by an independent third party qualified to perform the study if the local
72 governmental entity determines that traffic flow, congestion, or other traffic concerns may
73 require the study if otherwise permitted under Subsection 10-9a-305(3)(b).

74 (b) A review conducted by or comment provided by a local governmental entity design
75 review committee under Subsection (2)(a) may not be interpreted as an action that completes a
76 land use application for the purpose of entitling the school district or charter school to a
77 substantive land use review of a land use application under Section 10-9a-509 or 17-27a-508.

78 (3) A local governmental entity may not increase a previously agreed-upon fee after the
79 district or charter school has signed contracts to begin construction.

80 (4) Prior to the filing of a formal application by the affected school district or charter
81 school, a local governmental entity may not disclose information obtained from a school
82 district or charter school regarding the district's or charter school's consideration of, or intent to,
83 ~~[purchase]~~ acquire a school site or construct a school building, without first obtaining the
84 consent of the district or charter school.