

**Effective 5/10/2016**

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

- (1)
- (a) A school district or charter school shall notify the following without delay prior to the acquisition of a school site or construction of a school building of the school district's or charter school's intent to acquire or construct:
    - (i) an affected local governmental entity;
    - (ii) the Department of Transportation; and
    - (iii) as defined in Section 54-2-1, an electrical corporation, gas corporation, or telephone corporation that provides service or maintains infrastructure within the immediate area of the proposed site.
  - (b)
    - (i) Representatives of the local governmental entity, Department of Transportation, and the school district or charter school shall meet as soon as possible after 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;
      - (B) discuss concerns that each may have, including potential community impacts and site safety;
      - (C) assess the availability of infrastructure for the site; and
      - (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:
    - (i) representatives of the local governmental entity and the school district or charter school shall meet as soon as possible to review a rough proposed site plan provided by the school district or charter school, review the information listed in Subsection (1)(b)(ii), and negotiate any fees that might be charged by the local governmental entity in connection with a building project;
    - (ii)
      - (A) the school district or charter school shall submit the rough proposed site plan to the local governmental entity's design review committee for comments; and
      - (B) subject to the priority requirement of Subsection 10-9a-305(7)(b), the local governmental entity's design review committee shall provide comments on the rough proposed site plan to the school district or charter school no later than 30 days after the day that the plan is submitted to the design review committee in accordance with this Subsection (2)(a)(ii); and
    - (iii) the local governmental entity may require that the school district or charter school provide a traffic study by an independent third party qualified to perform the study if the local

governmental entity determines that traffic flow, congestion, or other traffic concerns may require the study if otherwise permitted under Subsection 10-9a-305(3)(b).

- (b) A review conducted by or comment provided by a local governmental entity design review committee under Subsection (2)(a) may not be interpreted as an action that completes a land use application for the purpose of entitling the school district or charter school to a substantive land use review of a land use application under Section 10-9a-509 or 17-27a-508.
- (3) A local governmental entity may not increase a previously agreed-upon fee after the district or charter school has signed contracts to begin construction.
- (4) Prior to the filing of a formal application by the affected school district or charter school, a local governmental entity may not disclose information obtained from a school district or charter school regarding the district's or charter school's consideration of, or intent to, acquire a school site or construct a school building, without first obtaining the consent of the district or charter school.
- (5) Prior to beginning construction on a school site, a school district or charter school shall submit to the Department of Transportation a child access routing plan as described in Section 53A-3-402.

Amended by Chapter 334, 2016 General Session