

IMPACT FEES ACT AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Glenn L. Way

This act modifies the Impact Fees Act by amending the definition of local political subdivision.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

11-36-102, as enacted by Chapter 11, Laws of Utah 1995, First Special Session

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 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



28 to the political subdivision, for services provided for and directly attributable to the connection to
29 utility services, including gas, water, sewer, power, or other municipal, county, or independent
30 special district utility services.

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

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

35 (8) (a) "Local political subdivision" means a county, a municipality, [or] a special district
36 created under Title 17A, Special Districts, or a private entity that provides culinary water that is
37 required to be used as a condition of development.

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

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

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

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

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

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

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

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

53 (b) wastewater collection and treatment facilities;

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

55 (d) municipal power facilities;

56 (e) roadway facilities;

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

58 (g) public safety facilities.

59 (12) (a) "Public safety facility" means a building constructed or leased to house police, fire,
60 or other public safety entities.

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

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

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

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

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

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

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

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

75 (15) (a) "System improvements" means:

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

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

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

Legislative Review Note
as of 1-15-02 1:38 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel