

**Representative David N. Cox** proposes the following substitute bill:

**DENSITY CREDIT FOR LAND DONATED TO**

**SCHOOL DISTRICT**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David N. Cox**

Senate Sponsor: David L. Thomas

---

---

**LONG TITLE**

**General Description:**

This bill modifies county and municipal land use provisions.

**Highlighted Provisions:**

This bill:

▶ enacts provisions relating to a property owner's donation of land or money for a school building to be entitled to a density bonus with respect to the owner's

subdivision plat;

▶ provides for management of money donated for the purchase of land for construction of a school building;

▶ provides for the temporary use of land donated for the construction of a school building until the school building is constructed; and

▶ allows counties and municipalities to determine the location of a school building on land that is the subject of a donation if certain conditions are met.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 ENACTS:

28 **10-9a-604.5**, Utah Code Annotated 1953

29 **17-27a-604.5**, Utah Code Annotated 1953



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

32 Section 1. Section **10-9a-604.5** is enacted to read:

33 **10-9a-604.5. Plat with land being donated to a school district.**

34 (1) As used in this section:

35 (a) "Density bonus" means the number of residential building lots established in a  
36 subdivision plat that exceeds the number allowed under the zoning designation applicable to  
37 the land described in the subdivision plat.

38 (b) "Donation" means the giving of:

39 (i) land to the municipality for a future school building in the school district; or

40 (ii) money to the school district for the purchase of land for a future school building in  
41 the school district.

42 (c) "Municipality" means the city or town in which is located the land that is the  
43 subject of the subdivision plat for which approval is sought.

44 (d) "Property owner" means the owner or developer of the land that is the subject of the  
45 subdivision plat for which approval is sought.

46 (e) "School building" includes all educational facilities associated with a school  
47 building.

48 (f) "School district" means the school district in whose boundaries is located the land  
49 that is the subject of the subdivision plat for which approval is sought.

50 (2) A municipality may not withhold approval of a subdivision plat that otherwise  
51 complies with all applicable requirements of this chapter and municipal ordinances because the  
52 plat establishes more residential building lots than allowed under the zoning designation  
53 applicable to the land described in the plat if:

54 (a) the property owner makes a donation that is acceptable to the municipality and  
55 school district; and

56 (b) the number of residential building lots established by the subdivision plat that

57 exceeds the number allowed under the applicable zoning designation is attributable to a density  
58 bonus.

59 (3) A density bonus may not exceed 10% of the number of residential building lots  
60 allowed under the zoning designation applicable to the land described in the plat.

61 (4) If a donation consists of money paid to the school district, the school district shall:

62 (a) place the money in a separate interest-bearing account;

63 (b) manage the money in the account; and

64 (c) use the money exclusively for the purchase of land in the municipality for

65 construction of a school building.

66 (5) (a) If a donation consists of land to the municipality, the municipality:

67 (i) shall:

68 (A) own the land, subject to Subsections (5)(a)(ii) and (b); and

69 (B) upon the request of and at no charge to the school district, transfer title of the land  
70 to the school district for construction of a school building; and

71 (ii) may, until the land is transferred to the school district as provided in Subsection

72 (5)(a)(i)(B), use the land for:

73 (A) open space;

74 (B) a public park or recreational facility;

75 (C) a bona fide agricultural purpose;

76 (D) a parking lot or parking facility; or

77 (E) a temporary commercial activity that is consistent with the municipality's land use  
78 ordinances.

79 (b) (i) (A) If the land that is the subject of a donation to the municipality under this  
80 section is not used for the construction of a school building within ten years after the donation,  
81 the municipality may, subject to Subsection (5)(b)(i)(B), retain the land and use it for one of the  
82 purposes listed in Subsection (5)(a)(ii).

83 (B) If the municipality intends to retain the land beyond the ten year period described  
84 in Subsection (5)(b)(i)(A), it shall give written notice to the school district at least 180 days  
85 before the expiration of the ten-year period.

86 (ii) Notwithstanding Subsection (5)(b)(i), the municipality may at any time and in its  
87 sole discretion transfer title of the land to the school district and at no charge to the school

88 district for the construction of a school building.

89 (6) The municipality's legislative body may determine the location of a school building  
90 to be constructed on land that is the subject of a donation under this section if:

91 (a) the municipality has:

92 (i) indicated on its general plan the location of the school site;

93 (ii) obtained the school district's written acknowledgement of the site; and

94 (b) the school district has not previously obtained property for the construction of a  
95 school building.

96 Section 2. Section **17-27a-604.5** is enacted to read:

97 **17-27a-604.5. Plat with land being donated to a school district.**

98 (1) As used in this section:

99 (a) "County" means the county in whose unincorporated area is located the land that is  
100 the subject of the subdivision plat for which approval is sought.

101 (b) "Density bonus" means the number of residential building lots established in a  
102 subdivision plat that exceeds the number allowed under the zoning designation applicable to  
103 the land described in the subdivision plat.

104 (c) "Donation" means the giving of:

105 (i) land to the county for a future school building in the school district; or

106 (ii) money to the school district for the purchase of land for a future school building in  
107 the school district.

108 (d) "Property owner" means the owner or developer of the land that is the subject of the  
109 subdivision plat for which approval is sought.

110 (e) "School building" includes all educational facilities associated with a school  
111 building.

112 (f) "School district" means the school district in whose boundaries is located the land  
113 that is the subject of the subdivision plat for which approval is sought.

114 (2) A county may not withhold approval of a subdivision plat that otherwise complies  
115 with all applicable requirements of this chapter and county ordinances because the plat  
116 establishes more residential building lots than allowed under the zoning designation applicable  
117 to the land described in the plat if:

118 (a) the property owner makes a donation that is acceptable to the county and school

119 district; and

120 (b) the number of residential building lots established by the subdivision plat that  
121 exceeds the number allowed under the applicable zoning designation is attributable to a density  
122 bonus.

123 (3) A density bonus may not exceed 10% of the number of residential building lots  
124 allowed under the zoning designation applicable to the land described in the plat.

125 (4) If a donation consists of money paid to the school district, the school district shall:

126 (a) place the money in a separate interest-bearing account;

127 (b) manage the money in the account; and

128 (c) use the money exclusively for the purchase of land in the unincorporated area of the  
129 county for construction of a school building.

130 (5) (a) If a donation consists of land to the county, the county:

131 (i) shall:

132 (A) own the land, subject to Subsections (5)(a)(ii) and (b); and

133 (B) upon the request of and at no charge to the school district, transfer title of the land  
134 to the school district for construction of a school building; and

135 (ii) may, until the land is transferred to the school district as provided in Subsection  
136 (5)(a)(i)(B), use the land for:

137 (A) open space;

138 (B) a public park or recreational facility;

139 (C) a bona fide agricultural purpose;

140 (D) a parking lot or parking facility; or

141 (E) a temporary commercial activity that is consistent with the county's land use  
142 ordinances.

143 (b) (i) (A) If the land that is the subject of a donation to the county under this section is  
144 not used for the construction of a school building within ten years after the donation, the county  
145 may, subject to Subsection (5)(b)(i)(B), retain the land and use it for one of the purposes listed  
146 in Subsection (5)(a)(ii).

147 (B) If the county intends to retain the land beyond the ten year period described in  
148 Subsection (5)(b)(i)(A), it shall give written notice to the school district at least 180 days  
149 before the expiration of the ten-year period.

150           (ii) Notwithstanding Subsection (5)(b)(i), the county may at any time and in its sole  
151 discretion transfer title of the land to the school district and at no charge to the school district  
152 for the construction of a school building.

153           (5) The county's legislative body may determine the location of a school building to be  
154 constructed on land that is the subject of a donation under this section if:

155           (a) the county has:

156           (i) indicated on its general plan the location of the school site;

157           (ii) obtained the school district's written acknowledgement of the site; and

158           (b) the school district has not previously obtained property for the construction of a  
159 school building.

---

---

**Fiscal Note**  
**Bill Number HB0319S01**

**Density Credit for Land Donated to School District**

*06-Feb-06*

*11:25 AM*

---

---

**State Impact**

No fiscal impact.

---

**Individual and Business Impact**

No fiscal impact.

---

**Office of the Legislative Fiscal Analyst**