

Representative Stephen E. Sandstrom proposes the following substitute bill:

**H→ CHANGES TO IMPACT FEES [~~ON SCHOOL DISTRICTS~~
~~AND CHARTER SCHOOLS]~~ ←H**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen E. Sandstrom

Senate Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill modifies provisions relating to impact fees.

Highlighted Provisions:

This bill:

- ▶ enacts a definition of "charter school";
- ▶ repeals obsolete language relating to impact fees;
- ▶ clarifies the purposes of an impact fee capital facilities plan;
- ▶ modifies provisions relating to the written analysis associated with impact fees;
- ▶ modifies provisions relating to an impact fee enactment;
- ▶ limits impacts fees that can be imposed on a school district or charter school; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 11-36-102, as last amended by Laws of Utah 2008, Chapters 70 and 360

27 11-36-201, as last amended by Laws of Utah 2008, Chapters 70, 360, and 382

28 11-36-202, as last amended by Laws of Utah 2008, Chapter 70

29

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

31 Section 1. Section 11-36-102 is amended to read:

32 **11-36-102. Definitions.**

33 As used in this chapter:

34 (1) "Building permit fee" means the fees charged to enforce the uniform codes adopted
35 pursuant to Title 58, Chapter 56, Utah Uniform Building Standards Act, that are not greater
36 than the fees indicated in the appendix to the International Building Code.

37 (2) "Capital facilities plan" means the plan required by Section 11-36-201.

38 (3) "Charter school" includes:

39 (a) an operating charter school;

40 (b) an applicant for a charter school whose application has been approved by a
41 chartering entity as provided in Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act;
42 and

43 (c) an entity that is working on behalf of a charter school or approved charter applicant
44 to develop or construct a charter school building.

45 (3) "Development activity" means any construction or expansion of a building,
46 structure, or use, any change in use of a building or structure, or any changes in the use of land
47 that creates additional demand and need for public facilities.

48 (4) "Development approval" means any written authorization from a local political
49 subdivision that authorizes the commencement of development activity.

50 (5) "Enactment" means:

51 (a) a municipal ordinance, for a municipality;

52 (b) a county ordinance, for a county; and

53 (c) a governing board resolution, for a local district, special service district, or private
54 entity.

55 (6) "Hookup fees" means reasonable fees, not in excess of the approximate average
56 costs to the political subdivision, for services provided for and directly attributable to the

57 connection to utility services, including gas, water, sewer, power, or other municipal, county,
58 local district, or special service district utility services.

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

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

63 (8) (a) "Local political subdivision" means a county, a municipality, a local district
64 under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special
65 service district under Title 17D, Chapter 1, Special Service District Act.

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

68 (9) "Private entity" means an entity with private ownership that provides culinary water
69 that is required to be used as a condition of development.

70 (10) (a) "Project improvements" means site improvements and facilities that are:

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

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

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

76 (11) "Proportionate share" means the cost of public facility improvements that are
77 roughly proportionate and reasonably related to the service demands and needs of any
78 development activity.

79 (12) "Public facilities" means only the following capital facilities that have a life
80 expectancy of ten or more years and are owned or operated by or on behalf of a local political
81 subdivision or private entity:

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

83 (b) wastewater collection and treatment facilities;

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

85 (d) municipal power facilities;

86 (e) roadway facilities;

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

88 (g) public safety facilities.

89 (13) (a) "Public safety facility" means:

90 (i) a building constructed or leased to house police, fire, or other public safety entities;

91 or

92 (ii) a fire suppression vehicle with a ladder reach of at least 75 feet, costing in excess of
93 \$1,250,000, that is necessary for fire suppression in commercial areas with one or more
94 buildings at least five stories high.

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

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

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

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

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

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

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

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

109 (16) (a) "System improvements" means:

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

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

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

115 Section 2. Section **11-36-201** is amended to read:

116 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**
117 **Summary -- Exemptions.**

118 (1) (a) Each local political subdivision and private entity shall comply with the

119 requirements of this chapter before establishing or modifying any impact fee.

120 (b) A local political subdivision may not:

121 (i) establish any new impact fees that are not authorized by this chapter; or

122 (ii) impose or charge any other fees as a condition of development approval unless
123 those fees are a reasonable charge for the service provided.

124 (c) Notwithstanding any other requirements of this chapter, each local political
125 subdivision shall ensure that each existing impact fee that is charged for any public facility not
126 authorized by Subsection 11-36-102(12) is repealed by July 1, 1995.

127 ~~[(d)(i) Existing impact fees that a local political subdivision charges for public
128 facilities authorized in Subsection 11-36-102(12) need not comply with the requirements of
129 this chapter until July 1, 1997.]~~

130 ~~[(ii) By July 1, 1997, each local political subdivision shall:]~~

131 ~~[(A) review any impact fees in existence as of the effective date of this act, and prepare
132 and approve the analysis required by this section for each of those impact fees; and]~~

133 ~~[(B)]~~ (d) Each local political subdivision shall ensure that the impact fees comply with
134 the requirements of this chapter.

135 (2) (a) Before imposing impact fees, each local political subdivision and private entity
136 shall, except as provided in Subsection (2)(f), prepare a capital facilities plan to determine the
137 public facilities required to serve development resulting from new development activity.

138 (b) (i) As used in this Subsection (2)(b):

139 (A) (I) "Affected entity" means each county, municipality, local district under Title
140 17B, Limited Purpose Local Government Entities - Local Districts, special service district
141 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation
142 entity established under Chapter 13, Interlocal Cooperation Act, and specified public utility:

143 (Aa) whose services or facilities are likely to require expansion or significant
144 modification because of the facilities proposed in the proposed capital facilities plan; or

145 (Bb) that has filed with the local political subdivision or private entity a copy of the
146 general or long-range plan of the county, municipality, local district, special service district,
147 school district, interlocal cooperation entity, or specified public utility.

148 (II) "Affected entity" does not include the local political subdivision or private entity
149 that is required under this Subsection (2) to provide notice.

150 (B) "Specified public utility" means an electrical corporation, gas corporation, or
151 telephone corporation, as those terms are defined in Section 54-2-1.

152 (ii) Before preparing or amending a capital facilities plan, each local political
153 subdivision and each private entity shall provide written notice, as provided in this Subsection
154 (2)(b), of its intent to prepare or amend a capital facilities plan.

155 (iii) Each notice under Subsection (2)(b)(ii) shall:

156 (A) indicate that the local political subdivision or private entity intends to prepare or
157 amend a capital facilities plan;

158 (B) describe or provide a map of the geographic area where the proposed capital
159 facilities will be located;

160 (C) be sent to:

161 (I) each county in whose unincorporated area and each municipality in whose
162 boundaries is located the land on which the proposed facilities will be located;

163 (II) each affected entity;

164 (III) the Automated Geographic Reference Center created in Section 63F-1-506;

165 (IV) the association of governments, established pursuant to an interlocal agreement
166 under Title 11, Chapter 13, Interlocal Cooperation Act, in which the facilities are proposed to
167 be located;

168 (V) the state planning coordinator appointed under Section 63J-4-202;

169 (VI) the registered agent of the Utah Home Builders Association;

170 (VII) the registered agent of the Utah Association of Realtors; and

171 (VIII) the registered agent of the Utah Chapter of the Associated General Contractors
172 of America; and

173 (D) with respect to the notice to an affected entity, invite the affected entity to provide
174 information for the local political subdivision or private entity to consider in the process of
175 preparing, adopting, and implementing or amending a capital facilities plan concerning:

176 (I) impacts that the facilities proposed in the capital facilities plan may have on the
177 affected entity; and

178 (II) facilities or uses of land that the affected entity is planning or considering that may
179 conflict with the facilities proposed in the capital facilities plan.

180 (c) The plan shall identify:

181 (i) demands placed upon existing public facilities by new development activity; and
182 (ii) the proposed means by which the local political subdivision will meet those
183 demands.

184 (d) A municipality or county need not prepare a separate capital facilities plan if the
185 general plan required by Section 10-9a-401 or 17-27a-401, respectively, contains the elements
186 required by Subsection (2)(c).

187 (e) (i) If a local political subdivision chooses to prepare an independent capital
188 facilities plan rather than include a capital facilities element in the general plan, the local
189 political subdivision shall:

190 (A) before preparing or contracting to prepare or amending or contracting to amend the
191 independent capital facilities plan, send written notice:

192 (I) to:

193 (Aa) the registered agent of the Utah Home Builders Association;

194 (Bb) the registered agent of the Utah Association of Realtors; and

195 (Cc) the registered agent of the Utah Chapter of the Associated General Contractors of
196 America;

197 (II) stating the local political subdivision's intent to prepare or amend a capital facilities
198 plan; and

199 (III) inviting each of the notice recipients to participate in the preparation of or
200 amendment to the capital facilities plan; and

201 (B) before adopting or amending the capital facilities plan:

202 (I) give public notice of the plan or amendment according to Subsection (2)(e)(ii)(A),
203 (B), or (C), as the case may be, at least 14 days before the date of the public hearing;

204 (II) make a copy of the plan or amendment, together with a summary designed to be
205 understood by a lay person, available to the public;

206 (III) place a copy of the plan or amendment and summary in each public library within
207 the local political subdivision; and

208 (IV) hold a public hearing to hear public comment on the plan or amendment.

209 (ii) With respect to the public notice required under Subsection (2)(e)(i)(B)(I):

210 (A) each municipality shall comply with the notice and hearing requirements of, and,
211 except as provided in Subsection 11-36-401(4)(f), receive the protections of Sections

212 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);

213 (B) each county shall comply with the notice and hearing requirements of, and, except
214 as provided in Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and
215 17-27a-801 and Subsection 17-27a-502(2); and

216 (C) each local district, special service district, and private entity shall comply with the
217 notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

218 (iii) Nothing contained in this Subsection (2)(e) or in the subsections referenced in
219 Subsections (2)(e)(ii)(A) and (B) may be construed to require involvement by a planning
220 commission in the capital facilities planning process.

221 (f) (i) A local political subdivision with a population or serving a population of less
222 than 5,000 as of the last federal census need not comply with the capital facilities plan
223 requirements of this part, but shall ensure that:

224 (A) the impact fees that the local political subdivision imposes are based upon a
225 reasonable plan; and

226 (B) each applicable notice required by this chapter is given.

227 (ii) Subsection (2)(f)(i) does not apply to private entities.

228 (3) In preparing the plan, each local political subdivision shall generally consider all
229 revenue sources, including impact fees and anticipated dedication of system improvements, to
230 finance the impacts on system improvements.

231 (4) A local political subdivision or private entity may only impose impact fees on
232 development activities when its plan for financing system improvements establishes that
233 impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to
234 be borne in the future, in comparison to the benefits already received and yet to be received.

235 (5) (a) Subject to the notice requirement of Subsection (5)(b), each local political
236 subdivision and private entity intending to impose an impact fee shall prepare a written analysis
237 of each impact fee that:

238 (i) identifies the anticipated impact on or consumption of any existing capacity of a
239 public facility by the anticipated development activity;

240 [(†)] (ii) identifies the anticipated impact on system improvements required by the
241 anticipated development activity to maintain the established level of service for each public
242 facility;

243 [(ii)] (iii) demonstrates how those anticipated impacts [~~on system improvements~~] are
244 reasonably related to the anticipated development activity;

245 [(iii)] (iv) estimates the proportionate share of:

246 (A) the costs for existing capacity that will be recouped; and
247 (B) the costs of impacts on system improvements that are reasonably related to the new
248 development activity; and

249 (iv) based upon those factors and the requirements of this chapter, identifies how the
250 impact fee was calculated.

251 (b) Before preparing or contracting to prepare the written analysis required under
252 Subsection (5)(a), each local political subdivision or private entity shall provide:

253 (i) public notice; and
254 (ii) written notice:

255 (A) to:

256 (I) the registered agent of the Utah Home Builders Association;
257 (II) the registered agent of the Utah Association of Realtors; and
258 (III) the registered agent of the Utah Chapter of the Associated General Contractors of
259 America;

260 (B) indicating the local political subdivision or private entity's intent to prepare or
261 contract to prepare a written analysis of an impact fee; and

262 (C) inviting each notice recipient to participate in the preparation of the written
263 analysis.

264 (c) In analyzing whether or not the proportionate share of the costs of public facilities
265 are reasonably related to the new development activity, the local political subdivision or private
266 entity, as the case may be, shall identify, if applicable:

267 (i) the cost of each existing public [~~facilities~~] facility that has excess capacity to serve
268 the anticipated development resulting from the new development activity;

269 (ii) the cost of system improvements for each public facility;

270 [(ii)] (iii) other than impact fees, the manner of financing [~~existing~~] each public
271 [~~facilities~~] facility, such as user charges, special assessments, bonded indebtedness, general
272 taxes, or federal grants;

273 [(iii)] (iv) the relative extent to which [~~the newly developed properties and other~~

274 ~~properties have already contributed to the cost of]~~ development activity will contribute to
275 financing the excess capacity of and system improvements for each existing public [facilities]
276 facility, by such means as user charges, special assessments, or payment from the proceeds of
277 general taxes;

278 [~~(iv)~~] (v) the relative extent to which [~~the newly developed properties and other~~
279 ~~properties]~~ development activity will contribute to the cost of existing public facilities and
280 system improvements in the future;

281 [~~(v)~~] (vi) the extent to which the [~~newly developed properties are]~~ development activity
282 is entitled to a credit against impact fees because the [~~local political subdivision or private~~
283 ~~entity, as the case may be, requires its developers or owners, by contractual arrangement or~~
284 ~~otherwise, to provide common facilities]~~ development activity will dedicate system
285 improvements or public facilities that will offset the demand for system improvements, inside
286 or outside the proposed development[, ~~that have been provided by the local political~~
287 ~~subdivision or private entity, respectively, and financed through general taxation or other~~
288 ~~means, apart from user charges, in other parts of the service area];~~

289 [~~(vi)~~] (vii) extraordinary costs, if any, in servicing the newly developed properties; and

290 [~~(vii)~~] (viii) the time-price differential inherent in fair comparisons of amounts paid at
291 different times.

292 (d) Each local political subdivision and private entity that prepares a written analysis
293 under this Subsection (5) on or after July 1, 2000 shall also prepare a summary of the written
294 analysis, designed to be understood by a lay person.

295 (6) Each local political subdivision that adopts an impact fee enactment under Section
296 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment, submit
297 a copy of the written analysis required by Subsection (5)(a) and a copy of the summary
298 required by Subsection (5)(d) to:

299 (a) each public library within the local political subdivision;

300 (b) the registered agent of the Utah Home Builders Association;

301 (c) the registered agent of the Utah Association of Realtors; and

302 (d) the registered agent of the Utah Chapter of the Associated General Contractors of
303 America.

304 (7) Nothing in this chapter may be construed to repeal or otherwise eliminate any

305 impact fee in effect on the effective date of this chapter that is pledged as a source of revenues
306 to pay bonded indebtedness that was incurred before the effective date of this chapter.

307 Section 3. Section **11-36-202** is amended to read:

308 **11-36-202. Impact fees -- Enactment -- Required provisions -- Effective date.**

309 (1) (a) Each local political subdivision and private entity wishing to impose impact fees
310 shall pass an impact fee enactment.

311 (b) The impact fee imposed by that enactment may not exceed the highest fee justified
312 by the impact fee analysis performed pursuant to Section 11-36-201.

313 (c) In calculating the impact fee, a local political subdivision or private entity may
314 include:

315 (i) the construction contract price;

316 (ii) the cost of acquiring land, improvements, materials, and fixtures;

317 (iii) the cost for planning, surveying, and engineering fees for services provided for and
318 directly related to the construction of the system improvements; and

319 (iv) debt service charges, if the political subdivision might use impact fees as a revenue
320 stream to pay the principal and interest on bonds, notes, or other obligations issued to finance
321 the costs of the system improvements.

322 (d) In calculating an impact fee, a local political subdivision may not include an
323 expense for overhead unless the expense is calculated pursuant to a methodology that is
324 consistent with:

325 (i) generally accepted cost accounting practices; and

326 (ii) the methodological standards set forth by the federal Office of Management and
327 Budget for federal grant reimbursement.

328 (e) In calculating an impact fee, each local political subdivision shall base amounts
329 calculated under Subsection (1)(c) on realistic estimates, and the assumptions underlying those
330 estimates shall be disclosed in the impact fee analysis.

331 (f) Each local political subdivision and private entity that intends to enact an impact fee
332 enactment shall:

333 (i) at least 14 days before the date of the public hearing:

334 (A) make a copy of the impact fee enactment available to the public; and

335 (B) mail a written copy of the impact fee enactment to:

- 336 (I) the registered agent of the Utah Home Builders Association;
- 337 (II) the registered agent of the Utah Association of Realtors; and
- 338 (III) the registered agent of the Utah Chapter of the Associated General Contractors of
339 America; and
- 340 (ii) (A) for a municipality, comply with the notice and hearing requirements of, and,
341 except as provided in Subsection 11-36-401(4)(f), receive the protections of Sections
342 10-9a-205 and 10-9a-801;
- 343 (B) for a county, comply with the notice and hearing requirements of, and, except as
344 provided in Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and
345 17-27a-801; and
- 346 (C) for a local district or special service district, comply with the notice and hearing
347 requirements of, and receive the protections of, Section 17B-1-111.
- 348 (g) Nothing contained in Subsection (1)(f) may be construed to require involvement by
349 a planning commission in the impact fee enactment process.
- 350 (2) The local political subdivision or private entity shall ensure that the impact fee
351 enactment:
- 352 (a) contains:
- 353 (i) a provision establishing one or more service areas within which the local political
354 subdivision or private entity calculates and imposes impact fees for various land use categories;
- 355 (ii) (A) a schedule of impact fees for each type of development activity that specifies
356 the amount of the impact fee to be imposed for each type of system improvement; or
- 357 (B) the formula that the local political subdivision or private entity, as the case may be,
358 will use to calculate each impact fee;
- 359 (iii) a provision authorizing the local political subdivision or private entity, as the case
360 may be, to adjust the standard impact fee at the time the fee is charged to:
- 361 (A) respond to:
- 362 (I) unusual circumstances in specific cases; [~~and~~] or
- 363 (II) a request for a prompt and individualized impact fee review for the development
364 activity of the state or a school district or charter school; and
- 365 (B) ensure that the impact fees are imposed fairly; and
- 366 (iv) a provision governing calculation of the amount of the impact fee to be imposed on

367 a particular development that permits adjustment of the amount of the fee based upon studies
 368 and data submitted by the developer; and

369 (b) allows a developer to receive a credit against or proportionate reimbursement of an
 370 impact fee if:

371 (i) the developer [~~is required by the local political subdivision, as a condition of~~
 372 ~~development activity approval, to~~]:

373 (A) [~~dedicate~~] dedicates land for a system improvement;

374 (B) [~~improve~~] builds and dedicates some or all of a system improvement; or

375 (C) [~~provide new construction~~] dedicates a public facility that the local political
 376 subdivision or private entity and the developer agree will reduce the need for a system
 377 improvement[;].

378 [~~(ii) the system improvement is included in the impact fee analysis; and~~]

379 [~~(iii) the land, improvement, or new construction provides a system improvement that~~
 380 ~~exceeds the requirements for the project.~~]

381 (3) (a) A local political subdivision or private entity may include a provision in an
 382 impact fee enactment that:

383 (i) provides an impact fee exemption for:

384 (A) development activity attributable to:

385 [~~(a) exempts~~] (I) low income housing [and];

386 (II) the state;

387 (III) a school district; or

388 (IV) a charter school; or

389 (B) other development [activities] activity with a broad public [purposes from impact
 390 fees] purpose; and

391 (ii) establishes one or more sources of funds other than impact fees to pay for that
 392 development activity[;].

393 [~~(b) imposes an impact fee for public facility costs previously incurred by a local~~
 394 ~~political subdivision or private entity, as the case may be, to the extent that new growth and~~
 395 ~~development will be served by the previously constructed improvement; and]~~

396 (b) An impact fee enactment that provides an impact fee exemption for development
 397 activity attributable to a school district or charter school shall allow either a school district or a

398 charter school to qualify for the exemption on the same basis.

399 ~~[(c) allows]~~ (4) A local political subdivision or private entity shall include a provision
400 in an impact fee enactment that requires a credit against impact fees for any dedication of land
401 for, improvement to, or new construction of, any system improvements provided by the
402 developer if the facilities:

403 ~~[(i) are identified in the capital facilities plan; and]~~

404 ~~[(ii) are required by the local political subdivision as a condition of approving the~~
405 ~~development activity.]~~

406 (a) are system improvements; or

407 (b) (i) are dedicated to the public; and

408 (ii) offset the need for an identified system improvement.

409 ~~[(4)]~~ (5) ~~[Except as provided in Subsection (3)(b), the]~~ A local political subdivision
410 may not impose an impact fee to:

411 (a) cure deficiencies in a public [facilities] facility serving existing development[-]; or

412 (b) raise the established level of service of a public facility serving existing
413 development.

414 (5) Notwithstanding the requirements and prohibitions of this chapter, a local political
415 subdivision may impose and assess an impact fee for environmental mitigation when:

416 (a) the local political subdivision has formally agreed to fund a Habitat Conservation
417 Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec 1531, et seq.
418 or other state or federal environmental law or regulation;

419 (b) the impact fee bears a reasonable relationship to the environmental mitigation
420 required by the Habitat Conservation Plan; and

421 (c) the legislative body of the local political subdivision adopts an ordinance or
422 resolution:

423 (i) declaring that an impact fee is required to finance the Habitat Conservation Plan;

424 (ii) establishing periodic sunset dates for the impact fee; and

425 (iii) requiring the legislative body to:

426 (A) review the impact fee on those sunset dates;

427 (B) determine whether or not the impact fee is still required to finance the Habitat
428 Conservation Plan; and

429 (C) affirmatively reauthorize the impact fee if the legislative body finds that the impact
430 fee must remain in effect.

431 ~~[(6) Each political subdivision shall ensure that any existing impact fee for
432 environmental mitigation meets the requirements of Subsection (5) by July 1, 1995.]~~

433 ~~[(7)]~~ (6) Notwithstanding any other provision of this chapter:

434 (a) a municipality imposing impact fees to fund fire trucks as of the effective date of
435 this act may impose impact fees for fire trucks until July 1, 1997; ~~[and]~~

436 (b) an impact fee to pay for a public safety facility that is a fire suppression vehicle
437 may not be imposed with respect to land that has a zoning designation other than
438 commercial[-];

439 (c) an impact fee may not be imposed on a school district or charter school for a park,
440 recreation facility, open space, or trail;

441 (d) an impact fee may not be imposed on development activity that consists of the
442 construction of a school, whether by a school district or a charter school, if:

443 (i) the school is intended to replace another school, whether on the same or a different
444 parcel; ~~§~~→ [and]

444a (ii) the new school creates no greater demand or need for public facilities than the
444b school being replaced; and

445 ~~[(ii)]~~ (iii) ←~~§~~ the new school and the school being replaced are both within:

446 (A) the boundary of the local political subdivision; or

447 (B) the jurisdiction of the private entity; and

448 (e) an impact fee may not be imposed on a school district or charter school unless:

449 (i) the development resulting from the school district or charter school's development
450 activity directly results in a need for additional system improvements for which the impact fee
451 is imposed; and

452 (ii) the impact fee is calculated to cover only the school district or charter school's
453 proportionate share of the cost of those additional system improvements.

454 ~~[(8)]~~ (7) Notwithstanding any other provision of this chapter, a local political
455 subdivision may impose and collect impact fees on behalf of a school district if authorized by
456 Section 53A-20-100.5.

457 ~~[(9)]~~ (8) An impact fee enactment may not take effect until 90 days after it is enacted.

Fiscal Note**H.B. 259 1st Sub. (Buff) - Impact Fees on School Districts and Charter
Schools**

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
