

88 storage, equipment storage, food processing or preparing, ~~H→~~ [or] ~~←H~~ vehicle storage or  
88a maintenance, ~~H→~~ or similar use ~~←H~~

89 [~~or other use in support of providing instruction to pupils,~~] that is:

90 (i) not located on the same property as a building described in Subsection (10)(a)(i);

91 and

92 (ii) used in support of the purposes of a building described in Subsection (10)(a)(i).

93 (11) "Elderly person" means a person who is 60 years old or older, who desires or

94 needs to live with other elderly persons in a group setting, but who is capable of living

95 independently.

96 (12) "Fire authority" means the department, agency, or public entity with responsibility

97 to review and approve the feasibility of fire protection and suppression services for the subject

98 property.

99 (13) "Flood plain" means land that:

100 (a) is within the 100-year flood plain designated by the Federal Emergency

101 Management Agency; or

102 (b) has not been studied or designated by the Federal Emergency Management Agency

103 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

104 the land has characteristics that are similar to those of a 100-year flood plain designated by the

105 Federal Emergency Management Agency.

106 (14) "General plan" means a document that a municipality adopts that sets forth general

107 guidelines for proposed future development of the land within the municipality.

108 (15) "Geologic hazard" means:

109 (a) a surface fault rupture;

110 (b) shallow groundwater;

111 (c) liquefaction;

112 (d) a landslide;

113 (e) a debris flow;

114 (f) unstable soil;

115 (g) a rock fall; or

116 (h) any other geologic condition that presents a risk:

117 (i) to life;

118 (ii) of substantial loss of real property; or

367 inspector, other than the project architect or contractor, who is qualified under criteria  
368 established by the state superintendent;

369 (e) require a school district or charter school to pay any impact fee for an improvement  
370 project unless the impact fee is imposed as provided in Title 11, Chapter 36, Impact Fees Act;

371 [~~or~~]

372 (f) impose regulations upon the location of an educational facility except as necessary  
373 to avoid unreasonable risks to health or safety[-]; or

374 (g) for a land use or a structure owned ~~H~~→ **or operated** ←~~H~~ by a school district or  
374a charter school that is not  
375 an educational facility but is used in support of providing instruction to pupils, impose a  
376 regulation that:

377 (i) is not imposed on a similar land use or structure in the zone in which the land use or  
378 structure is approved; or

379 (ii) uses the tax exempt status of the school district or charter school as criteria for  
380 prohibiting or regulating the land use or location of the structure.

381 (5) Subject to Section 53A-20-108, a school district or charter school shall coordinate  
382 the siting of a new school with the municipality in which the school is to be located, to:

383 (a) avoid or mitigate existing and potential traffic hazards, including consideration of  
384 the impacts between the new school and future highways; and

385 (b) maximize school, student, and site safety.

386 (6) Notwithstanding Subsection (4)(d), a municipality may, at its discretion:

387 (a) provide a walk-through of school construction at no cost and at a time convenient to  
388 the district or charter school; and

389 (b) provide recommendations based upon the walk-through.

390 (7) (a) Notwithstanding Subsection (4)(d), a school district or charter school shall use:

391 (i) a municipal building inspector;

392 (ii) (A) for a school district, a school district building inspector from that school  
393 district; or

394 (B) for a charter school, a school district building inspector from the school district in  
395 which the charter school is located; or

396 (iii) an independent, certified building inspector who is:

397 (A) not an employee of the contractor;

491 (8) "Culinary water authority" means the department, agency, or public entity with  
 492 responsibility to review and approve the feasibility of the culinary water system and sources for  
 493 the subject property.

494 (9) "Development activity" means:

495 (a) any construction or expansion of a building, structure, or use that creates additional  
 496 demand and need for public facilities;

497 (b) any change in use of a building or structure that creates additional demand and need  
 498 for public facilities; or

499 (c) any change in the use of land that creates additional demand and need for public  
 500 facilities.

501 (10) (a) "Disability" means a physical or mental impairment that substantially limits  
 502 one or more of a person's major life activities, including a person having a record of such an  
 503 impairment or being regarded as having such an impairment.

504 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
 505 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
 506 802.

507 (11) "Educational facility":

508 (a) means:

509 (i) a school district's building at which pupils assemble to receive instruction in a  
 510 program for any combination of grades from preschool through grade 12, including  
 511 kindergarten and a program for children with disabilities;

512 (ii) a structure or facility:

513 (A) located on the same property as a building described in Subsection (11)(a)(i); and

514 (B) used in support of the use of that building; and

515 (iii) a building to provide office and related space to a school district's administrative  
 516 personnel; and

517 (b) does not include land or a structure, including land or a structure for inventory  
 518 storage, equipment storage, food processing or preparing, ~~H→~~ [or] ~~←H~~ vehicle storage or  
 518a maintenance, ~~H→~~ or similar use ~~←H~~  
 519 [~~or other use in support of providing instruction to pupils;~~] that is:

520 (i) not located on the same property as a building described in Subsection (11)(a)(i);

521 and

801 construction methods or materials, additional building inspections, county building codes,  
 802 building use for educational purposes, or the placement or use of temporary classroom facilities  
 803 on school property;

804 (b) except as otherwise provided in this section, require a school district or charter  
 805 school to participate in the cost of any roadway or sidewalk, or a study on the impact of a  
 806 school on a roadway or sidewalk, that is not reasonably necessary for the safety of school  
 807 children and not located on or contiguous to school property, unless the roadway or sidewalk is  
 808 required to connect an otherwise isolated school site to an existing roadway;

809 (c) require a district or charter school to pay fees not authorized by this section;

810 (d) provide for inspection of school construction or assess a fee or other charges for  
 811 inspection, unless the school district or charter school is unable to provide for inspection by an  
 812 inspector, other than the project architect or contractor, who is qualified under criteria  
 813 established by the state superintendent;

814 (e) require a school district or charter school to pay any impact fee for an improvement  
 815 project unless the impact fee is imposed as provided in Title 11, Chapter 36, Impact Fees Act;  
 816 [or]

817 (f) impose regulations upon the location of an educational facility except as necessary  
 818 to avoid unreasonable risks to health or safety[-]; or

819 (g) for a land use or a structure owned ~~H~~→ or operated ←~~H~~ by a school district or charter  
 819a school that is not

820 an educational facility but is used in support of providing instruction to pupils, impose a  
 821 regulation that:

822 (i) is not imposed on a similar land use or structure in the zone in which the land use or  
 823 structure is approved; or

824 (ii) uses the tax exempt status of the school district or charter school as criteria for  
 825 prohibiting or regulating the land use or location of the structure.

826 (5) Subject to Section 53A-20-108, a school district or charter school shall coordinate  
 827 the siting of a new school with the county in which the school is to be located, to:

828 (a) avoid or mitigate existing and potential traffic hazards, including consideration of  
 829 the impacts between the new school and future highways; and

830 (b) maximize school, student, and site safety.

831 (6) Notwithstanding Subsection (4)(d), a county may, at its discretion: