

**Representative Stephen E. Sandstrom** proposes the following substitute bill:

**LOCAL GOVERNMENT AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen E. Sandstrom**

Senate Sponsor: John L. Valentine

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**LONG TITLE**

**General Description:**

This bill amends the definition of "educational facility."

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of "educational facility"; and
- ▶ makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-103**, as last amended by Laws of Utah 2009, Chapters 163, 181, and 286

**10-9a-305**, as last amended by Laws of Utah 2009, Chapters 181 and 286

**17-27a-103**, as last amended by Laws of Utah 2009, Chapters 163, 181, and 286

**17-27a-305**, as last amended by Laws of Utah 2009, Chapters 181 and 286

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

**1st Sub. H.B. 282**



26 Section 1. Section **10-9a-103** is amended to read:

27 **10-9a-103. Definitions.**

28 As used in this chapter:

29 (1) "Affected entity" means a county, municipality, local district, special service  
30 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
31 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
32 public utility, a property owner, a property owners association, or the Utah Department of  
33 Transportation, if:

34 (a) the entity's services or facilities are likely to require expansion or significant  
35 modification because of an intended use of land;

36 (b) the entity has filed with the municipality a copy of the entity's general or long-range  
37 plan; or

38 (c) the entity has filed with the municipality a request for notice during the same  
39 calendar year and before the municipality provides notice to an affected entity in compliance  
40 with a requirement imposed under this chapter.

41 (2) "Appeal authority" means the person, board, commission, agency, or other body  
42 designated by ordinance to decide an appeal of a decision of a land use application or a  
43 variance.

44 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
45 residential property if the sign is designed or intended to direct attention to a business, product,  
46 or service that is not sold, offered, or existing on the property where the sign is located.

47 (4) "Charter school" includes:

48 (a) an operating charter school;

49 (b) a charter school applicant that has its application approved by a chartering entity in  
50 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

51 (c) an entity who is working on behalf of a charter school or approved charter applicant  
52 to develop or construct a charter school building.

53 (5) "Conditional use" means a land use that, because of its unique characteristics or  
54 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be  
55 compatible in some areas or may be compatible only if certain conditions are required that  
56 mitigate or eliminate the detrimental impacts.

57 (6) "Constitutional taking" means a governmental action that results in a taking of  
58 private property so that compensation to the owner of the property is required by the:

- 59 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 60 (b) Utah Constitution Article I, Section 22.

61 (7) "Culinary water authority" means the department, agency, or public entity with  
62 responsibility to review and approve the feasibility of the culinary water system and sources for  
63 the subject property.

64 (8) "Development activity" means:

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

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

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

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

74 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
75 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
76 802.

77 (10) "Educational facility":

78 (a) means:

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

82 (ii) a structure or facility:

83 (A) located on the same property as a building described in Subsection (10)(a)(i); and

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

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

87 (b) does not include land or a structure, including land or a structure for inventory

88 storage, equipment storage, food processing or preparing, or vehicle storage or maintenance,  
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

119 (iii) of substantial damage to real property.

120 (16) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
121 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other  
122 utility system.

123 (17) "Identical plans" means building plans submitted to a municipality that are  
124 substantially identical to building plans that were previously submitted to and reviewed and  
125 approved by the municipality and describe a building that is:

126 (a) located on land zoned the same as the land on which the building described in the  
127 previously approved plans is located; and

128 (b) subject to the same geological and meteorological conditions and the same law as  
129 the building described in the previously approved plans.

130 (18) "Impact fee" means a payment of money imposed under Title 11, Chapter 36,  
131 Impact Fees Act.

132 (19) "Improvement assurance" means a surety bond, letter of credit, cash, or other  
133 security:

134 (a) to guaranty the proper completion of an improvement;

135 (b) that is required as a condition precedent to:

136 (i) recording a subdivision plat; or

137 (ii) beginning development activity; and

138 (c) that is offered to a land use authority to induce the land use authority, before actual  
139 construction of required improvements, to:

140 (i) consent to the recording of a subdivision plat; or

141 (ii) issue a permit for development activity.

142 (20) "Improvement assurance warranty" means a promise that the materials and  
143 workmanship of improvements:

144 (a) comport with standards that the municipality has officially adopted; and

145 (b) will not fail in any material respect within a warranty period.

146 (21) "Land use application" means an application required by a municipality's land use  
147 ordinance.

148 (22) "Land use authority" means a person, board, commission, agency, or other body  
149 designated by the local legislative body to act upon a land use application.

150 (23) "Land use ordinance" means a planning, zoning, development, or subdivision  
151 ordinance of the municipality, but does not include the general plan.

152 (24) "Land use permit" means a permit issued by a land use authority.

153 (25) "Legislative body" means the municipal council.

154 (26) "Local district" means an entity under Title 17B, Limited Purpose Local  
155 Government Entities - Local Districts, and any other governmental or quasi-governmental  
156 entity that is not a county, municipality, school district, or the state.

157 (27) "Lot line adjustment" means the relocation of the property boundary line in a  
158 subdivision between two adjoining lots with the consent of the owners of record.

159 (28) "Moderate income housing" means housing occupied or reserved for occupancy  
160 by households with a gross household income equal to or less than 80% of the median gross  
161 income for households of the same size in the county in which the city is located.

162 (29) "Nominal fee" means a fee that reasonably reimburses a municipality only for time  
163 spent and expenses incurred in:

164 (a) verifying that building plans are identical plans; and

165 (b) reviewing and approving those minor aspects of identical plans that differ from the  
166 previously reviewed and approved building plans.

167 (30) "Noncomplying structure" means a structure that:

168 (a) legally existed before its current land use designation; and

169 (b) because of one or more subsequent land use ordinance changes, does not conform  
170 to the setback, height restrictions, or other regulations, excluding those regulations, which  
171 govern the use of land.

172 (31) "Nonconforming use" means a use of land that:

173 (a) legally existed before its current land use designation;

174 (b) has been maintained continuously since the time the land use ordinance governing  
175 the land changed; and

176 (c) because of one or more subsequent land use ordinance changes, does not conform  
177 to the regulations that now govern the use of the land.

178 (32) "Official map" means a map drawn by municipal authorities and recorded in a  
179 county recorder's office that:

180 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for

181 highways and other transportation facilities;

182 (b) provides a basis for restricting development in designated rights-of-way or between  
183 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
184 the land; and

185 (c) has been adopted as an element of the municipality's general plan.

186 (33) "Person" means an individual, corporation, partnership, organization, association,  
187 trust, governmental agency, or any other legal entity.

188 (34) "Plan for moderate income housing" means a written document adopted by a city  
189 legislative body that includes:

190 (a) an estimate of the existing supply of moderate income housing located within the  
191 city;

192 (b) an estimate of the need for moderate income housing in the city for the next five  
193 years as revised biennially;

194 (c) a survey of total residential land use;

195 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
196 income housing; and

197 (e) a description of the city's program to encourage an adequate supply of moderate  
198 income housing.

199 (35) "Plat" means a map or other graphical representation of lands being laid out and  
200 prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

201 (36) "Potential geologic hazard area" means an area that:

202 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
203 relevant map or report as needing further study to determine the area's potential for geologic  
204 hazard; or

205 (b) has not been studied by the Utah Geological Survey or a county geologist but  
206 presents the potential of geologic hazard because the area has characteristics similar to those of  
207 a designated geologic hazard area.

208 (37) "Public agency" means:

209 (a) the federal government;

210 (b) the state;

211 (c) a county, municipality, school district, local district, special service district, or other

212 political subdivision of the state; or

213 (d) a charter school.

214 (38) "Public hearing" means a hearing at which members of the public are provided a  
215 reasonable opportunity to comment on the subject of the hearing.

216 (39) "Public meeting" means a meeting that is required to be open to the public under  
217 Title 52, Chapter 4, Open and Public Meetings Act.

218 (40) "Record of survey map" means a map of a survey of land prepared in accordance  
219 with Section 17-23-17.

220 (41) "Receiving zone" means an area of a municipality that the municipality's land use  
221 authority designates as an area in which an owner of land may receive transferrable  
222 development rights.

223 (42) "Residential facility for elderly persons" means a single-family or multiple-family  
224 dwelling unit that meets the requirements of Section 10-9a-516, but does not include a health  
225 care facility as defined by Section 26-21-2.

226 (43) "Residential facility for persons with a disability" means a residence:

227 (a) in which more than one person with a disability resides; and

228 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
229 Chapter 2, Licensure of Programs and Facilities; or

230 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
231 Health Care Facility Licensing and Inspection Act.

232 (44) "Sanitary sewer authority" means the department, agency, or public entity with  
233 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
234 wastewater systems.

235 (45) "Sending zone" means an area of a municipality that the municipality's land use  
236 authority designates as an area from which an owner of land may transfer transferrable  
237 development rights to an owner of land in a receiving zone.

238 (46) "Specified public agency" means:

239 (a) the state;

240 (b) a school district; or

241 (c) a charter school.

242 (47) "Specified public utility" means an electrical corporation, gas corporation, or



243 telephone corporation, as those terms are defined in Section 54-2-1.

244 (48) "State" includes any department, division, or agency of the state.

245 (49) "Street" means a public right-of-way, including a highway, avenue, boulevard,  
246 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other  
247 way.

248 (50) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be  
249 divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
250 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
251 installment plan or upon any and all other plans, terms, and conditions.

252 (b) "Subdivision" includes:

253 (i) the division or development of land whether by deed, metes and bounds description,  
254 devise and testacy, map, plat, or other recorded instrument; and

255 (ii) except as provided in Subsection (50)(c), divisions of land for residential and  
256 nonresidential uses, including land used or to be used for commercial, agricultural, and  
257 industrial purposes.

258 (c) "Subdivision" does not include:

259 (i) a bona fide division or partition of agricultural land for the purpose of joining one of  
260 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if  
261 neither the resulting combined parcel nor the parcel remaining from the division or partition  
262 violates an applicable land use ordinance;

263 (ii) a recorded agreement between owners of adjoining unsubdivided properties  
264 adjusting their mutual boundary if:

265 (A) no new lot is created; and

266 (B) the adjustment does not violate applicable land use ordinances;

267 (iii) a recorded document, executed by the owner of record:

268 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
269 property into one legal description encompassing all such parcels of property; or

270 (B) joining a subdivided parcel of property to another parcel of property that has not  
271 been subdivided, if the joinder does not violate applicable land use ordinances; or

272 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting  
273 their mutual boundary if:

- 274 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 275 (B) the adjustment will not violate any applicable land use ordinance.
- 276 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 277 not been subdivided does not constitute a subdivision under this Subsection (50) as to the
- 278 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
- 279 subdivision ordinance.

280 (51) "Transferrable development right" means the entitlement to develop land within a

281 sending zone that would vest according to the municipality's existing land use ordinances on

282 the date that a completed land use application is filed seeking the approval of development

283 activity on the land.

284 (52) "Unincorporated" means the area outside of the incorporated area of a city or

285 town.

286 (53) "Water interest" means any right to the beneficial use of water, including:

- 287 (a) each of the rights listed in Section 73-1-11; and
- 288 (b) an ownership interest in the right to the beneficial use of water represented by:
  - 289 (i) a contract; or
  - 290 (ii) a share in a water company, as defined in Section 73-3-3.5.

291 (54) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts

292 land use zones, overlays, or districts.

293 Section 2. Section **10-9a-305** is amended to read:

294 **10-9a-305. Other entities required to conform to municipality's land use**

295 **ordinances -- Exceptions -- School districts and charter schools -- Submission of**

296 **development plan and schedule.**

297 (1) (a) Each county, municipality, school district, charter school, local district, special

298 service district, and political subdivision of the state shall conform to any applicable land use

299 ordinance of any municipality when installing, constructing, operating, or otherwise using any

300 area, land, or building situated within that municipality.

301 (b) In addition to any other remedies provided by law, when a municipality's land use

302 ordinance is violated or about to be violated by another political subdivision, that municipality

303 may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to

304 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

305 (2) (a) Notwithstanding Subsection (1), a public transit district under Title 17B,  
306 Chapter 2a, Part 8, Public Transit District Act, is not required to conform to any applicable  
307 land use ordinance of a municipality located within the boundaries of a county of the first class  
308 when constructing a:

309 (i) rail fixed guideway public transit facility that extends across two or more counties;  
310 or

311 (ii) structure that serves a rail fixed guideway public transit facility that extends across  
312 two or more counties, including:

313 (A) platforms;

314 (B) passenger terminals or stations;

315 (C) park and ride facilities;

316 (D) maintenance facilities;

317 (E) all related utility lines, roadways, and other facilities serving the public transit  
318 facility; or

319 (F) other auxiliary facilities.

320 (b) The exemption from municipal land use ordinances under this Subsection (2) does  
321 not extend to any property not necessary for the construction or operation of a rail fixed  
322 guideway public transit facility.

323 (c) A municipality located within the boundaries of a county of the first class may not,  
324 through an agreement under Title 11, Chapter 3, Interlocal Cooperation Act, require a public  
325 transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act, to obtain  
326 approval from the municipality prior to constructing a:

327 (i) rail fixed guideway public transit facility that extends across two or more counties;  
328 or

329 (ii) structure that serves a rail fixed guideway public transit facility that extends across  
330 two or more counties, including:

331 (A) platforms;

332 (B) passenger terminals or stations;

333 (C) park and ride facilities;

334 (D) maintenance facilities;

335 (E) all related utility lines, roadways, and other facilities serving the public transit

336 facility; or

337 (F) other auxiliary facilities.

338 (3) (a) Except as provided in Subsection (4), a school district or charter school is  
339 subject to a municipality's land use ordinances.

340 (b) (i) Notwithstanding Subsection (4), a municipality may:

341 (A) subject a charter school to standards within each zone pertaining to setback, height,  
342 bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction  
343 staging; and

344 (B) impose regulations upon the location of a project that are necessary to avoid  
345 unreasonable risks to health or safety, as provided in Subsection (4)(f).

346 (ii) The standards to which a municipality may subject a charter school under  
347 Subsection (3)(b)(i) shall be objective standards only and may not be subjective.

348 (iii) Except as provided in Subsection (8)(d), the only basis upon which a municipality  
349 may deny or withhold approval of a charter school's land use application is the charter school's  
350 failure to comply with a standard imposed under Subsection (3)(b)(i).

351 (iv) Nothing in Subsection (3)(b)(iii) may be construed to relieve a charter school of an  
352 obligation to comply with a requirement of an applicable building or safety code to which it is  
353 otherwise obligated to comply.

354 (4) A municipality may not:

355 (a) impose requirements for landscaping, fencing, aesthetic considerations,  
356 construction methods or materials, additional building inspections, municipal building codes,  
357 building use for educational purposes, or the placement or use of temporary classroom facilities  
358 on school property;

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

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

365 (d) provide for inspection of school construction or assess a fee or other charges for  
366 inspection, unless the school district or charter school is unable to provide for inspection by an

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 by a school district or 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;

- 398 (B) approved by:
- 399 (I) a municipal building inspector; or
- 400 (II) (Aa) for a school district, a school district building inspector from that school
- 401 district; or
- 402 (Bb) for a charter school, a school district building inspector from the school district in
- 403 which the charter school is located; and
- 404 (C) licensed to perform the inspection that the inspector is requested to perform.
- 405 (b) The approval under Subsection (7)(a)(iii)(B) may not be unreasonably withheld.
- 406 (c) If a school district or charter school uses a school district or independent building
- 407 inspector under Subsection (7)(a)(ii) or (iii), the school district or charter school shall submit to
- 408 the state superintendent of public instruction and municipal building official, on a monthly
- 409 basis during construction of the school building, a copy of each inspection certificate regarding
- 410 the school building.
- 411 (8) (a) A charter school shall be considered a permitted use in all zoning districts
- 412 within a municipality.
- 413 (b) Each land use application for any approval required for a charter school, including
- 414 an application for a building permit, shall be processed on a first priority basis.
- 415 (c) Parking requirements for a charter school may not exceed the minimum parking
- 416 requirements for schools or other institutional public uses throughout the municipality.
- 417 (d) If a municipality has designated zones for a sexually oriented business, or a
- 418 business which sells alcohol, a charter school may be prohibited from a location which would
- 419 otherwise defeat the purpose for the zone unless the charter school provides a waiver.
- 420 (e) (i) A school district or a charter school may seek a certificate authorizing permanent
- 421 occupancy of a school building from:
- 422 (A) the state superintendent of public instruction, as provided in Subsection
- 423 53A-20-104(3), if the school district or charter school used an independent building inspector
- 424 for inspection of the school building; or
- 425 (B) a municipal official with authority to issue the certificate, if the school district or
- 426 charter school used a municipal building inspector for inspection of the school building.
- 427 (ii) A school district may issue its own certificate authorizing permanent occupancy of
- 428 a school building if it used its own building inspector for inspection of the school building,

429 subject to the notification requirement of Subsection 53A-20-104(3)(a)(ii).

430 (iii) A charter school may seek a certificate authorizing permanent occupancy of a  
431 school building from a school district official with authority to issue the certificate, if the  
432 charter school used a school district building inspector for inspection of the school building.

433 (iv) A certificate authorizing permanent occupancy issued by the state superintendent  
434 of public instruction under Subsection 53A-20-104(3) or a school district official with authority  
435 to issue the certificate shall be considered to satisfy any municipal requirement for an  
436 inspection or a certificate of occupancy.

437 (9) (a) A specified public agency intending to develop its land shall submit to the land  
438 use authority a development plan and schedule:

439 (i) as early as practicable in the development process, but no later than the  
440 commencement of construction; and

441 (ii) with sufficient detail to enable the land use authority to assess:

442 (A) the specified public agency's compliance with applicable land use ordinances;

443 (B) the demand for public facilities listed in Subsections 11-36-102(13)(a), (b), (c), (d),  
444 (e), and (g) caused by the development;

445 (C) the amount of any applicable fee listed in Subsection 10-9a-510(5);

446 (D) any credit against an impact fee; and

447 (E) the potential for waiving an impact fee.

448 (b) The land use authority shall respond to a specified public agency's submission  
449 under Subsection (9)(a) with reasonable promptness in order to allow the specified public  
450 agency to consider information the municipality provides under Subsection (9)(a)(ii) in the  
451 process of preparing the budget for the development.

452 (10) Nothing in this section may be construed to modify or supersede Section  
453 10-9a-304.

454 Section 3. Section **17-27a-103** is amended to read:

455 **17-27a-103. Definitions.**

456 As used in this chapter:

457 (1) "Affected entity" means a county, municipality, local district, special service  
458 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
459 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified

460 property owner, property owners association, public utility, or the Utah Department of  
461 Transportation, if:

462 (a) the entity's services or facilities are likely to require expansion or significant  
463 modification because of an intended use of land;

464 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
465 or

466 (c) the entity has filed with the county a request for notice during the same calendar  
467 year and before the county provides notice to an affected entity in compliance with a  
468 requirement imposed under this chapter.

469 (2) "Appeal authority" means the person, board, commission, agency, or other body  
470 designated by ordinance to decide an appeal of a decision of a land use application or a  
471 variance.

472 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
473 residential property if the sign is designed or intended to direct attention to a business, product,  
474 or service that is not sold, offered, or existing on the property where the sign is located.

475 (4) "Charter school" includes:

476 (a) an operating charter school;

477 (b) a charter school applicant that has its application approved by a chartering entity in  
478 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

479 (c) an entity who is working on behalf of a charter school or approved charter applicant  
480 to develop or construct a charter school building.

481 (5) "Chief executive officer" means the person or body that exercises the executive  
482 powers of the county.

483 (6) "Conditional use" means a land use that, because of its unique characteristics or  
484 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
485 compatible in some areas or may be compatible only if certain conditions are required that  
486 mitigate or eliminate the detrimental impacts.

487 (7) "Constitutional taking" means a governmental action that results in a taking of  
488 private property so that compensation to the owner of the property is required by the:

489 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

490 (b) Utah Constitution Article I, Section 22.



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, or vehicle storage or maintenance,  
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

522 (ii) used in support of the purposes of a building described in Subsection (11)(a)(i).

523 (12) "Elderly person" means a person who is 60 years old or older, who desires or  
524 needs to live with other elderly persons in a group setting, but who is capable of living  
525 independently.

526 (13) "Fire authority" means the department, agency, or public entity with responsibility  
527 to review and approve the feasibility of fire protection and suppression services for the subject  
528 property.

529 (14) "Flood plain" means land that:

530 (a) is within the 100-year flood plain designated by the Federal Emergency  
531 Management Agency; or

532 (b) has not been studied or designated by the Federal Emergency Management Agency  
533 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
534 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
535 Federal Emergency Management Agency.

536 (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

537 (16) "General plan" means a document that a county adopts that sets forth general  
538 guidelines for proposed future development of the unincorporated land within the county.

539 (17) "Geologic hazard" means:

540 (a) a surface fault rupture;

541 (b) shallow groundwater;

542 (c) liquefaction;

543 (d) a landslide;

544 (e) a debris flow;

545 (f) unstable soil;

546 (g) a rock fall; or

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

548 (i) to life;

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

550 (iii) of substantial damage to real property.

551 (18) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
552 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility

553 system.

554 (19) "Identical plans" means building plans submitted to a county that are substantially  
555 identical building plans that were previously submitted to and reviewed and approved by the  
556 county and describe a building that is:

557 (a) located on land zoned the same as the land on which the building described in the  
558 previously approved plans is located; and

559 (b) subject to the same geological and meteorological conditions and the same law as  
560 the building described in the previously approved plans.

561 (20) "Impact fee" means a payment of money imposed under Title 11, Chapter 36,  
562 Impact Fees Act.

563 (21) "Improvement assurance" means a surety bond, letter of credit, cash, or other  
564 security:

565 (a) to guaranty the proper completion of an improvement;

566 (b) that is required as a condition precedent to:

567 (i) recording a subdivision plat; or

568 (ii) beginning development activity; and

569 (c) that is offered to a land use authority to induce the land use authority, before actual  
570 construction of required improvements, to:

571 (i) consent to the recording of a subdivision plat; or

572 (ii) issue a permit for development activity.

573 (22) "Improvement assurance warranty" means a promise that the materials and  
574 workmanship of improvements:

575 (a) comport with standards that the county has officially adopted; and

576 (b) will not fail in any material respect within a warranty period.

577 (23) "Interstate pipeline company" means a person or entity engaged in natural gas  
578 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
579 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

580 (24) "Intrastate pipeline company" means a person or entity engaged in natural gas  
581 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
582 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

583 (25) "Land use application" means an application required by a county's land use

584 ordinance.

585 (26) "Land use authority" means a person, board, commission, agency, or other body  
586 designated by the local legislative body to act upon a land use application.

587 (27) "Land use ordinance" means a planning, zoning, development, or subdivision  
588 ordinance of the county, but does not include the general plan.

589 (28) "Land use permit" means a permit issued by a land use authority.

590 (29) "Legislative body" means the county legislative body, or for a county that has  
591 adopted an alternative form of government, the body exercising legislative powers.

592 (30) "Local district" means any entity under Title 17B, Limited Purpose Local  
593 Government Entities - Local Districts, and any other governmental or quasi-governmental  
594 entity that is not a county, municipality, school district, or the state.

595 (31) "Lot line adjustment" means the relocation of the property boundary line in a  
596 subdivision between two adjoining lots with the consent of the owners of record.

597 (32) "Moderate income housing" means housing occupied or reserved for occupancy  
598 by households with a gross household income equal to or less than 80% of the median gross  
599 income for households of the same size in the county in which the housing is located.

600 (33) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
601 and expenses incurred in:

602 (a) verifying that building plans are identical plans; and

603 (b) reviewing and approving those minor aspects of identical plans that differ from the  
604 previously reviewed and approved building plans.

605 (34) "Noncomplying structure" means a structure that:

606 (a) legally existed before its current land use designation; and

607 (b) because of one or more subsequent land use ordinance changes, does not conform  
608 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
609 the use of land.

610 (35) "Nonconforming use" means a use of land that:

611 (a) legally existed before its current land use designation;

612 (b) has been maintained continuously since the time the land use ordinance regulation  
613 governing the land changed; and

614 (c) because of one or more subsequent land use ordinance changes, does not conform

615 to the regulations that now govern the use of the land.

616 (36) "Official map" means a map drawn by county authorities and recorded in the  
617 county recorder's office that:

618 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
619 highways and other transportation facilities;

620 (b) provides a basis for restricting development in designated rights-of-way or between  
621 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
622 the land; and

623 (c) has been adopted as an element of the county's general plan.

624 (37) "Person" means an individual, corporation, partnership, organization, association,  
625 trust, governmental agency, or any other legal entity.

626 (38) "Plan for moderate income housing" means a written document adopted by a  
627 county legislative body that includes:

628 (a) an estimate of the existing supply of moderate income housing located within the  
629 county;

630 (b) an estimate of the need for moderate income housing in the county for the next five  
631 years as revised biennially;

632 (c) a survey of total residential land use;

633 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
634 income housing; and

635 (e) a description of the county's program to encourage an adequate supply of moderate  
636 income housing.

637 (39) "Plat" means a map or other graphical representation of lands being laid out and  
638 prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

639 (40) "Potential geologic hazard area" means an area that:

640 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
641 relevant map or report as needing further study to determine the area's potential for geologic  
642 hazard; or

643 (b) has not been studied by the Utah Geological Survey or a county geologist but  
644 presents the potential of geologic hazard because the area has characteristics similar to those of  
645 a designated geologic hazard area.

646 (41) "Public agency" means:

647 (a) the federal government;

648 (b) the state;

649 (c) a county, municipality, school district, local district, special service district, or other

650 political subdivision of the state; or

651 (d) a charter school.

652 (42) "Public hearing" means a hearing at which members of the public are provided a  
653 reasonable opportunity to comment on the subject of the hearing.

654 (43) "Public meeting" means a meeting that is required to be open to the public under  
655 Title 52, Chapter 4, Open and Public Meetings Act.

656 (44) "Receiving zone" means an unincorporated area of a county that the county's land  
657 use authority designates as an area in which an owner of land may receive transferrable  
658 development rights.

659 (45) "Record of survey map" means a map of a survey of land prepared in accordance  
660 with Section 17-23-17.

661 (46) "Residential facility for elderly persons" means a single-family or multiple-family  
662 dwelling unit that meets the requirements of Section 17-27a-515, but does not include a health  
663 care facility as defined by Section 26-21-2.

664 (47) "Residential facility for persons with a disability" means a residence:

665 (a) in which more than one person with a disability resides; and

666 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
667 Chapter 2, Licensure of Programs and Facilities; or

668 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
669 Health Care Facility Licensing and Inspection Act.

670 (48) "Sanitary sewer authority" means the department, agency, or public entity with  
671 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
672 wastewater systems.

673 (49) "Sending zone" means an unincorporated area of a county that the county's land  
674 use authority designates as an area from which an owner of land may transfer transferrable  
675 development rights to an owner of land in a receiving zone.

676 (50) "Specified public agency" means:

677 (a) the state;

678 (b) a school district; or

679 (c) a charter school.

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

682 (52) "State" includes any department, division, or agency of the state.

683 (53) "Street" means a public right-of-way, including a highway, avenue, boulevard,  
684 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other  
685 way.

686 (54) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be  
687 divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
688 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
689 installment plan or upon any and all other plans, terms, and conditions.

690 (b) "Subdivision" includes:

691 (i) the division or development of land whether by deed, metes and bounds description,  
692 devise and testacy, map, plat, or other recorded instrument; and

693 (ii) except as provided in Subsection (54)(c), divisions of land for residential and  
694 nonresidential uses, including land used or to be used for commercial, agricultural, and  
695 industrial purposes.

696 (c) "Subdivision" does not include:

697 (i) a bona fide division or partition of agricultural land for agricultural purposes;

698 (ii) a recorded agreement between owners of adjoining properties adjusting their  
699 mutual boundary if:

700 (A) no new lot is created; and

701 (B) the adjustment does not violate applicable land use ordinances;

702 (iii) a recorded document, executed by the owner of record:

703 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
704 property into one legal description encompassing all such parcels of property; or

705 (B) joining a subdivided parcel of property to another parcel of property that has not  
706 been subdivided, if the joinder does not violate applicable land use ordinances;

707 (iv) a bona fide division or partition of land in a county other than a first class county

708 for the purpose of siting, on one or more of the resulting separate parcels:

709 (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas  
710 corporation, interstate pipeline company, or intrastate pipeline company; or

711 (B) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
712 utility service regeneration, transformation, retransmission, or amplification facility; or

713 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
714 their mutual boundary if:

715 (A) no new dwelling lot or housing unit will result from the adjustment; and

716 (B) the adjustment will not violate any applicable land use ordinance.

717 (d) The joining of a subdivided parcel of property to another parcel of property that has  
718 not been subdivided does not constitute a subdivision under this Subsection (54) as to the  
719 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision  
720 ordinance.

721 (55) "Township" means a contiguous, geographically defined portion of the  
722 unincorporated area of a county, established under this part or reconstituted or reinstated under  
723 Section 17-27a-306, with planning and zoning functions as exercised through the township  
724 planning commission, as provided in this chapter, but with no legal or political identity  
725 separate from the county and no taxing authority, except that "township" means a former  
726 township under Laws of Utah 1996, Chapter 308, where the context so indicates.

727 (56) "Transferrable development right" means the entitlement to develop land within a  
728 sending zone that would vest according to the county's existing land use ordinances on the date  
729 that a completed land use application is filed seeking the approval of development activity on  
730 the land.

731 (57) "Unincorporated" means the area outside of the incorporated area of a  
732 municipality.

733 (58) "Water interest" means any right to the beneficial use of water, including:

734 (a) each of the rights listed in Section 73-1-11; and

735 (b) an ownership interest in the right to the beneficial use of water represented by:

736 (i) a contract; or

737 (ii) a share in a water company, as defined in Section 73-3-3.5.

738 (59) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts



739 land use zones, overlays, or districts.

740 Section 4. Section **17-27a-305** is amended to read:

741 **17-27a-305. Other entities required to conform to county's land use ordinances --**

742 **Exceptions -- School districts and charter schools -- Submission of development plan and**  
743 **schedule.**

744 (1) (a) Each county, municipality, school district, charter school, local district, special  
745 service district, and political subdivision of the state shall conform to any applicable land use  
746 ordinance of any county when installing, constructing, operating, or otherwise using any area,  
747 land, or building situated within the unincorporated portion of the county.

748 (b) In addition to any other remedies provided by law, when a county's land use  
749 ordinance is violated or about to be violated by another political subdivision, that county may  
750 institute an injunction, mandamus, abatement, or other appropriate action or proceeding to  
751 prevent, enjoin, abate, or remove the improper installation, improvement, or use.

752 (2) (a) Notwithstanding Subsection (1), a public transit district under Title 17B,  
753 Chapter 2a, Part 8, Public Transit District Act, is not required to conform to any applicable  
754 land use ordinance of a county of the first class when constructing a:

755 (i) rail fixed guideway public transit facility that extends across two or more counties;  
756 or

757 (ii) structure that serves a rail fixed guideway public transit facility that extends across  
758 two or more counties, including:

759 (A) platforms;

760 (B) passenger terminals or stations;

761 (C) park and ride facilities;

762 (D) maintenance facilities;

763 (E) all related utility lines, roadways, and other facilities serving the public transit  
764 facility; or

765 (F) other auxiliary facilities.

766 (b) The exemption from county land use ordinances under this Subsection (2) does not  
767 extend to any property not necessary for the construction or operation of a rail fixed guideway  
768 public transit facility.

769 (c) A county of the first class may not, through an agreement under Title 11, Chapter

770 13, Interlocal Cooperation Act, require a public transit district under Title 17B, Chapter 2a,  
771 Part 8, Public Transit District Act, to obtain approval from the county prior to constructing a:

772 (i) rail fixed guideway public transit facility that extends across two or more counties;

773 or

774 (ii) structure that serves a rail fixed guideway public transit facility that extends across  
775 two or more counties, including:

776 (A) platforms;

777 (B) passenger terminals or stations;

778 (C) park and ride facilities;

779 (D) maintenance facilities;

780 (E) all related utility lines, roadways, and other facilities serving the public transit  
781 facility; or

782 (F) other auxiliary facilities.

783 (3) (a) Except as provided in Subsection (4), a school district or charter school is  
784 subject to a county's land use ordinances.

785 (b) (i) Notwithstanding Subsection (4), a county may:

786 (A) subject a charter school to standards within each zone pertaining to setback, height,  
787 bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction  
788 staging; and

789 (B) impose regulations upon the location of a project that are necessary to avoid  
790 unreasonable risks to health or safety, as provided in Subsection (4)(f).

791 (ii) The standards to which a county may subject a charter school under Subsection  
792 (3)(b)(i) shall be objective standards only and may not be subjective.

793 (iii) Except as provided in Subsection (8)(d), the only basis upon which a county may  
794 deny or withhold approval of a charter school's land use application is the charter school's  
795 failure to comply with a standard imposed under Subsection (3)(b)(i).

796 (iv) Nothing in Subsection (3)(b)(iii) may be construed to relieve a charter school of an  
797 obligation to comply with a requirement of an applicable building or safety code to which it is  
798 otherwise obligated to comply.

799 (4) A county may not:

800 (a) impose requirements for landscaping, fencing, aesthetic considerations,

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 by a school district or charter 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:

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

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

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

836 (i) a county building inspector;

837 (ii) (A) for a school district, a school district building inspector from that school  
838 district; or

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

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

842 (A) not an employee of the contractor;

843 (B) approved by:

844 (I) a county building inspector; or

845 (II) (Aa) for a school district, a school district building inspector from that school  
846 district; or

847 (Bb) for a charter school, a school district building inspector from the school district in  
848 which the charter school is located; and

849 (C) licensed to perform the inspection that the inspector is requested to perform.

850 (b) The approval under Subsection (7)(a)(iii)(B) may not be unreasonably withheld.

851 (c) If a school district or charter school uses a school district or independent building  
852 inspector under Subsection (7)(a)(ii) or (iii), the school district or charter school shall submit to  
853 the state superintendent of public instruction and county building official, on a monthly basis  
854 during construction of the school building, a copy of each inspection certificate regarding the  
855 school building.

856 (8) (a) A charter school shall be considered a permitted use in all zoning districts  
857 within a county.

858 (b) Each land use application for any approval required for a charter school, including  
859 an application for a building permit, shall be processed on a first priority basis.

860 (c) Parking requirements for a charter school may not exceed the minimum parking  
861 requirements for schools or other institutional public uses throughout the county.

862 (d) If a county has designated zones for a sexually oriented business, or a business

863 which sells alcohol, a charter school may be prohibited from a location which would otherwise  
864 defeat the purpose for the zone unless the charter school provides a waiver.

865 (e) (i) A school district or a charter school may seek a certificate authorizing permanent  
866 occupancy of a school building from:

867 (A) the state superintendent of public instruction, as provided in Subsection  
868 53A-20-104(3), if the school district or charter school used an independent building inspector  
869 for inspection of the school building; or

870 (B) a county official with authority to issue the certificate, if the school district or  
871 charter school used a county building inspector for inspection of the school building.

872 (ii) A school district may issue its own certificate authorizing permanent occupancy of  
873 a school building if it used its own building inspector for inspection of the school building,  
874 subject to the notification requirement of Subsection 53A-20-104(3)(a)(ii).

875 (iii) A charter school may seek a certificate authorizing permanent occupancy of a  
876 school building from a school district official with authority to issue the certificate, if the  
877 charter school used a school district building inspector for inspection of the school building.

878 (iv) A certificate authorizing permanent occupancy issued by the state superintendent  
879 of public instruction under Subsection 53A-20-104(3) or a school district official with authority  
880 to issue the certificate shall be considered to satisfy any county requirement for an inspection or  
881 a certificate of occupancy.

882 (9) (a) A specified public agency intending to develop its land shall submit to the land  
883 use authority a development plan and schedule:

884 (i) as early as practicable in the development process, but no later than the  
885 commencement of construction; and

886 (ii) with sufficient detail to enable the land use authority to assess:

887 (A) the specified public agency's compliance with applicable land use ordinances;

888 (B) the demand for public facilities listed in Subsections 11-36-102(13)(a), (b), (c), (d),  
889 (e), and (g) caused by the development;

890 (C) the amount of any applicable fee listed in Subsection 17-27a-509(5);

891 (D) any credit against an impact fee; and

892 (E) the potential for waiving an impact fee.

893 (b) The land use authority shall respond to a specified public agency's submission

894 under Subsection (9)(a) with reasonable promptness in order to allow the specified public  
895 agency to consider information the municipality provides under Subsection (9)(a)(ii) in the  
896 process of preparing the budget for the development.

897 (10) Nothing in this section may be construed to modify or supersede Section  
898 17-27a-304.

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**H.B. 282 1st Sub. (Buff) - Local Government Amendments**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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