

**MINUTES OF THE
HOUSE POLITICAL SUBDIVISIONS
STANDING COMMITTEE**
Room 450 Utah State Capitol
26 January 2010

MEMBERS PRESENT: Rep. Fred R Hunsaker, Chair
 Rep. R. Curt Webb, Vice Chair
 Rep. Laura Black
 Rep. Rebecca Chavez-Houck
 Rep. Jack R. Draxler
 Rep. James A. Dunnigan
 Rep. Becky Edwards
 Rep. Janice M. Fisher
 Rep. Kerry W. Gibson
 Rep. Richard Greenwood
 Rep. Curtis Oda

MEMBERS ABSENT: Rep. Marie H. Poulson

STAFF PRESENT: Joseph Wade, Policy Analyst
 Becky Lawyer, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Representative Hunsaker called the meeting to order at 9:04 a.m.

H.B. 216 Incorporation of a Town Amendments (Rep. G. Froerer)

Rep. Froerer introduced and explained the bill to the committee. Lincoln Shurtz, representing the Utah League of Cities and Towns also addressed the committee.

MOTION: Rep. Draxler moved to substitute the bill with HB 216 1st Sub. The motion passed unanimously.

MOTION: Rep. Dunnigan moved to amend 1st Sub HB216 as follows:

1. *Page 1, Line 11:*

11 This bill:

amends notice requirements;

2. *Page 4, Line 88:*

88 (III) publishing notice of the public hearing in accordance with { Section

45-1-101. } **Section 63F-1-701 on the Utah Public Notice Website.**

3. Page 7, Lines 207 through 210:

207 [~~(H)~~] (ii) (A) the results of the financial feasibility study described in Subsection
 (8)(a)(i)
208 show that the average annual amount of revenues described in Subsection (1)(b)(i)
 {+} does not
209 exceed {+} ~~{-exceeds}~~ the average annual amount of costs described in
 Subsection (1)(b)(ii) by more
210 than ~~{-10%}~~ 25% {+} ; or {+} =
 (B) the results of the financial feasibility study described in Subsection (8)(a)(i)
 show that the average annual amount of costs described in Subsection (1)(b)(ii) does
 not exceed the average annual amount of revenues described in Subsection (1)(b)(i)
 by more than 10% .

4. Page 8, Lines 213 through 239:

213 (c) (i) If [~~the county legislative body commissions a financial feasibility study under~~
214 ~~Subsection (8)(a) and~~] the results of the financial feasibility study described in Subsection
215 (8)(a)(i) show that the average annual amount of revenues described in Subsection
 (1)(b)(i)
216 {+} exceeds {+} ~~{-does not exceed}~~ the average annual amount of costs
 described in Subsection
217 (1)(b)(ii) by more than ~~{-10%}~~ 25% , the county legislative body [~~may~~] shall:
218 (A) deny the petition, [~~subject to~~] in accordance with Subsection
 (8)(c) ~~{- (ii) }~~ (iii) {+} , if the
219 results of the financial feasibility study show that the average annual amount of revenues
220 described in Subsection (1)(b)(i) exceeds the average annual amount of costs described in
221 Subsection (1)(b)(ii) by more than 25% ~~{-or more}~~ {+} ; or
222 [~~(B) approve the petition and hold an election for town officers, as provided in~~
223 ~~Subsection (9); or~~]
224 [~~(C)~~] (B) (I) with the consent of the petition sponsors:
225 (Aa) impose conditions to [~~mitigate the fiscal inequities identified in the financial~~
226 ~~feasibility study~~] prevent the average annual amount of ~~{-costs~~
 ~~-}~~ revenues described in Subsection (1)(b) ~~{- (ii) }~~ (i)
227 from exceeding the average annual amount of ~~{-revenues}~~ costs described in
 Subsection (1)(b) {-(i)} (ii) by

228 more than ~~{10}~~ 25 %; or
229 (Bb) alter the boundaries of the area proposed to be incorporated as a town to
230 approximate the boundaries necessary to prevent the average annual amount of
 {+} revenues {+} ~~{costs}~~
231 described in Subsection (1)(b) {+} (i) {+} ~~{(ii)}~~ from exceeding the average
 annual amount of {+} costs {+}
232 ~~{revenues}~~ described in Subsection (1)(b) {+} (ii) {+} ~~{(i) by more than~~
10% by more than 25% ; and
233 (II) approve the incorporation petition and hold an election for town officers, as
234 provided in Subsection (9).

(ii) If the results of the financial feasibility study described in Subsection (8)(a)(i) show that the average annual amount of costs described in Subsection (1)(b)(ii) exceeds the average annual amount of revenues described in Subsection (1)(b)(i) by more than 10%, the county legislative body shall:

(A) deny the petition in accordance with Subsection (8)(c)(iii); or

(B)(I) with the consent of the petition sponsors;

(Aa) impose conditions to prevent the average annual amount of costs described in Subsection (1)(b)(ii) from exceeding the average annual amount of revenues described in Subsection (1)(b)(i) by more than 10%; or

(Bb) alter the boundaries of the area proposed to be incorporated as a town to approximate the boundaries necessary to prevent the average annual amount of costs described in Subsection (1)(b)(ii) from exceeding the average annual amount of revenues described in Subsection (1)(b)(i) by more than 10%; and

(II) approve the incorporation petition and hold an election for town officers, as provided in Subsection (9)

235 ~~{(ii)}~~ (iii) A county legislative body intending to deny a petition under
 Subsection (8)(c)(i)(A) or (8)(c)(ii)(A)
236 shall deny the petition within 20 days after the feasibility consultant submits the written
 results
237 of the financial feasibility study.

238 (d) Each town that incorporates pursuant to a petition approved after the county
239 legislative body imposes conditions under Subsection (8)(c)(i)~~{(c)(i)}~~(B)(I)(Aa) or
(8)(c)(ii)(B)(I)(Aa) shall comply

26 school is built for a student capacity that is less than or equal to a ~~{ -10% }~~ 20%
increase
27 of the student capacity of the old school; and
28 ▶ makes technical corrections.

3. Page 4, Lines 101 through 102:

101 (b) allows a developer, ~~{ if the developer is }~~ including a school district
or a charter school, to receive
102 a credit against or proportionate reimbursement of an impact fee if the developer:

4. Page 5, Lines 121 through 131:

121 (4) A local political subdivision or private entity shall include a provision in an
impact
122 fee enactment that requires a credit against impact fees for any dedication of land for,
123 improvement to, or new construction of ~~{ + }~~ , **any system improvements provided by
the developer or school district or charter school**
124 **if the { + } [facilities] { a facility if } facility :**
125 ~~{ (a) the developer is a school district or charter school; and~~
126 ~~—(b) the facility: }~~
127 ~~[(a) are] { (i) } (a) is a system [improvements; or] improvement;~~
128 ~~[(b)(i) are] { (ii)(A) } (b)(i) is dedicated to the public; and~~
129 ~~[(ii) offset] { (B) } (ii) offsets the need for an identified system
improvement[-]; or~~
130 ~~{ (iii) } (c) in the case of a school district or charter school, is not for the
exclusive use of the school district or charter school, regardless of~~
131 whether the facility is identified as a system improvement in a capital facilities plan.

5. Page 6, Lines 169 through 171:

169 (B) the new school ~~[creates no greater demand or need for public facilities than]~~ is
built
170 for a student capacity that is less than or equal to a { -10% } 20% increase of the
student capacity of the
171 school being replaced; and

6. Page 6, Lines 176 through 180:

- 176 (A) the development resulting from the school {~~district~~} district's or
charter school's development
177 activity directly results in a need for additional system improvements for which the impact
fee
178 is imposed; and
179 (B) the impact fee is calculated to cover only the school {~~district~~} district's
or charter school's
180 proportionate share of the cost of those additional system improvements . regardless of
whether the school district's or charter school's development activity is on property
that is zoned for a higher density public facility use than the school district's or
charter's school's actual public facility use ;

The motion passed unanimously with Rep. Poulson absent for the vote.

H.B. 211 Improvement District Board Membership (Rep. K. Powell)

This bill was not considered.

H.B. 220 Disproportionate Rental Fee Amendments (Rep. G. Froerer)

This bill was not considered.

MOTION: Rep. Oda moved to adjourn. The motion passed unanimously with Rep. Poulson absent for the vote.

Rep. Hunsaker adjourned the meeting at 9:56 a.m.

Rep. Fred R Hunsaker, Chair