

SCHOOL BUILDING COORDINATION

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Alvin B. Jackson

House Sponsor: Johnny Anderson

LONG TITLE

General Description:

This bill requires a school district or charter school to notify certain entities before acquiring a school site or constructing a school.

Highlighted Provisions:

This bill:

▸ requires a school district or charter school, before acquiring a school site or constructing a school, to notify:

- the Department of Transportation; and
- certain utility providers; and

▸ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-20-108, as last amended by Laws of Utah 2015, Chapter 92

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

Section 1. Section **53A-20-108** is amended to read:



28 **53A-20-108. Notification to affected entities of intent to acquire school site or**
29 **construction of school building -- Local government -- Negotiation of fees --**
30 **Confidentiality.**

31 (1) (a) A school district or charter school shall notify ~~[the affected local governmental~~
32 **entity]** the following without delay prior to the acquisition of a school site or construction of a
33 school building of the school district's or charter school's intent to acquire or construct[-]:

- 34 (i) an affected local governmental entity;
- 35 (ii) the Department of Transportation; and
- 36 (iii) as defined in Section 54-2-1, an electrical corporation, gas corporation, or
37 telephone corporation that provides service or maintains infrastructure within the immediate
38 area of the proposed site.

39 (b) (i) Representatives of the local governmental entity and the school district or
40 charter school shall meet as soon as possible after the notification under Subsection (1)(a) takes
41 place in order to:

42 (A) subject to Subsection (1)(b)(ii), review information provided by the school district
43 or charter school about the proposed acquisition;

44 (B) discuss concerns that each may have, including potential community impacts and
45 site safety;

46 (C) assess the availability of infrastructure for the site; and

47 (D) discuss any fees that might be charged by the local governmental entity in
48 connection with a building project.

49 (ii) The school district or charter school shall provide for review under Subsection
50 (1)(b)(i) the following information, if available, regarding the proposed acquisition:

51 (A) potential community impacts;

52 (B) approximate lot size;

53 (C) approximate building size and use;

54 (D) estimated student enrollment;

55 (E) proposals for ingress and egress, parking, and fire lane location; and

56 (F) building footprint and location.

57 (2) (a) After the purchase or an acquisition, but before construction begins:

58 (i) representatives of the local governmental entity and the school district or charter

59 school shall meet as soon as possible to review a rough proposed site plan provided by the
60 school district or charter school, review the information listed in Subsection (1)(b)(ii), and
61 negotiate any fees that might be charged by the local governmental entity in connection with a
62 building project;

63 (ii) (A) the school district or charter school shall submit the rough proposed site plan to
64 the local governmental entity's design review committee for comments; and

65 (B) subject to the priority requirement of Subsection 10-9a-305(7)(b), the local
66 governmental entity's design review committee shall provide comments on the rough proposed
67 site plan to the school district or charter school no later than 30 days after the day that the plan
68 is submitted to the design review committee in accordance with this Subsection (2)(a)(ii); and

69 (iii) the local governmental entity may require that the school district or charter school
70 provide a traffic study by an independent third party qualified to perform the study if the local
71 governmental entity determines that traffic flow, congestion, or other traffic concerns may
72 require the study if otherwise permitted under Subsection 10-9a-305(3)(b).

73 (b) A review conducted by or comment provided by a local governmental entity design
74 review committee under Subsection (2)(a) may not be interpreted as an action that completes a
75 land use application for the purpose of entitling the school district or charter school to a
76 substantive land use review of a land use application under Section 10-9a-509 or 17-27a-508.

77 (3) A local governmental entity may not increase a previously agreed-upon fee after the
78 district or charter school has signed contracts to begin construction.

79 (4) Prior to the filing of a formal application by the affected school district or charter
80 school, a local governmental entity may not disclose information obtained from a school
81 district or charter school regarding the district's or charter school's consideration of, or intent to,
82 acquire a school site or construct a school building, without first obtaining the consent of the
83 district or charter school.