PARK CITY PLANNING COMMISSION MEETING
SUMMIT COUNTY, UTAH
June 24, 2026

The Planning Commission of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually.
Zoom Link: https://us02web.zoom.us/j/86137534714

SITE VISIT 4:00 PM

The Planning Commission Will Conduct a Site Visit at the Five-Acre Site at the Southwest Corner of Kearns Boulevard and Bonanza Drive.

MEETING CALLED TO ORDER AT 5:30 PM.

1. ROLL CALL

2. SWEARING-IN CEREMONY

2.A. The City Recorder Will Administer the Oath of Office to John Frontero and Matthew Day to each Serve Four-Year Terms on the Planning Commission.

3. STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

4. PUBLIC COMMUNICATIONS

5. WORK SESSION

5.A. **Five-Acre Site – Subdivision, Master Planned Development, and Conditional Use Permit** – The Planning Commission Will Conduct an Introductory Work Session. The Applicant Proposes to Redevelop the Five-Acre Site at the Southwest Corner of Kearns Boulevard and Bonanza Drive with a Mixed-Use Development Including 106 Residential Units, Over 30,000 Square Feet of Commercial and Multidisciplinary Art Space, Community Green Space, and an Underground Parking Garage. Public input may be sent to planning@parkcity.gov. MPD: PL-26-06914, CUP: PL-26-06915, CUP: PL-26-06917, Subdivision: PL-26-06920 (60 mins.)

6. REGULAR AGENDA

6.A. **1900 Park Avenue – Conditional Use Permit** – The Applicant Proposes Installing Temporary Improvements in the General Commercial Zoning District and Frontage Protection Zone for a Seasonal Produce Stand. PL-26-06948 (15 mins.)
(A) Public Hearing; (B) Action

6.B. **8200 Royal Street #47 – Condominium Plat Amendment** – The Applicant Proposes to Amend the Square Footage Table on the Fifth Amended Record of Survey Map of Stag Lodge Phase III Units 47 & 48 for Unit 47 and to Show Exterior Walls Around an Enclosed Patio Located within the Estate Zoning District and the Sensitive Land Overlay. PL-26-06933 (10 mins.)
(A) Public Hearing; (B) Action

6.C. **Land Management Code Amendments –** The Planning Commission Will Review Proposed Amendments to Land Management Code Sections 15-13-2 and 15-13-8 for Regulations Regarding Materials and Types of Fences Allowed in Historic Residential Zoning Districts. PL-25-06769 (15 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration

6.D. **Land Management Code Amendments –** The Planning Commission Will Consider Amendments to Land Management Code Sections 15-3-7 *Parking in Master Planned Developments and Conditional Use Permits*, 15-6-5(E) *Master Planned Development Requirements, Off-Street Parking*, 15-6.1-9 *Affordable Master Planned Developments, Parking,* and 15-3-2 *Off-Street Parking Requirement* to Align the Code with Updated Transportation Impact Study Guidelines and Transportation Demand Management Program and to Prohibit Separate Leasing of Required Off-Street Parking Spaces. PL-25-06513 (30 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council's Consideration

6.E. **Land Management Code Amendments** – The Planning Commission Will Consider Amendments to Land Management Code Section 15-12-3 *Grounds for Removal* and Enacting Sections *15-12-2.1 Recusal* and 15-12-2.2 *Annual Training* Regarding Planning Commissioner Requirements to Comply with the Utah Legislature's Enacted 2026 Senate Bill 284 *Local Land and Water Modifications*. PL-26-06940 (10 mins.)
(A) Public Hearing; (B) Possible Recommendation for City Council Consideration

7. ADJOURNMENT

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.gov at least 24 hours prior to the meeting.

***Parking is available at no charge for meeting attendees who park in the China Bridge parking structure.**

A majority of Planning Commissioners may meet socially after the meeting. If so, the location will be announced by the Planning Commission Chair. City business will not be conducted.

Planning Commission
Staff Report

Subject:	**Five-Acre Site** **Southwest Corner of Kearns Boulevard and Bonanza Drive**
Applications:	**PL-26-06914 – Master Planned Development** **PL-26-06915 – Conditional Use Permit** **PL-26-06917 – Conditional Use Permit** **PL-26-06920 – Subdivision**
Authors:	**Nan Larsen, Senior Planner** **Alec Barton, Senior Planner**
Date:	**June 24, 2026**
Type of Item:	**Work Session**

Disclosure

Park City Municipal Corporation owns the Five-Acre Site and proposes a mixed-use redevelopment through a public-private partnership with Brinshore Development, LLC.

Recommendation

The Applicant will introduce the proposed mixed-use redevelopment. Staff recommends the Planning Commission review the project, the requested Building Height exception for six of the seven Buildings, and the Applicant's proposal to provide more parking than required, provide input, and consider whether additional information is needed to evaluate the project.

Description

Applicant: Brinshore Development, LLC
Represented by Stephen Swisher

Location: The Five-Acre Site is composed of 10 metes-and-bounds Parcels and Lots totaling approximately 5.27 acres:

Parcel	Subdivision	Lot	Address	Acres
PCA-110-G-1-X	*NA*	*NA*	1401 Kearns Blvd	1.0
KBC-A-X	Kearns Business Center	A	1409 Kearns Blvd	0.59
KBC-B-X	Kearns Business Center	B	1415 Kearns Blvd	0.54
PSA-46-A-X	Prospector Square	46-A	1635 Bonanza Dr	0.43
PSA-46-RE-B-X	Prospector Square Lot 46 Resub	46-RE-B	1665 Bonanza Dr	1.01
PSA-46-RE-C-X	Prospector Square Lot 46 Resub	46-RE-C	1685 Bonanza Dr	0.42

PSA-46-RE-D-X	Prospector Square Lot 46 Resub	46-RE-D-X	1705 Bonanza Dr	0.37
SA-109-G-X-X	*NA*	*NA*	*NA*	0.03
PCA-110-G-3-X	*NA*	*NA*	1490 W Munchkin Rd	0.56
PCA-110-G-2-A-X	*NA*	*NA*	1420 W Munchkin Rd	0.32

Zoning District: General Commercial
Frontage Protection Zone

Adjacent Land Uses: North – Park City Cemetery
East – Prospector Square, Park City Plaza
South – Park City Mountain Munchkin Lot
West – The Emporium and Com-Park Plaza

Reason for Review: The Planning Commission reviews, conducts a public hearing, and takes Final Action on Conditional Use Permits,[1] Subdivisions,[2] and Master Planned Developments.[3]

CUP	Conditional Use Permit
FPZ	Frontage Protection Zone
GC	General Commercial
LMC	Land Management Code
MPD	Master Planned Development
ROW	Right-Of-Way
TIS	Transportation Impact Study

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Summary

Park City owns metes-and-bounds Parcels and Lots at the southwest corner of Kearns Boulevard and Bonanza Drive, collectively known as the Five-Acre Site, currently vacant. In 2021, seven Buildings and the Maverik gas station pumps were demolished, and the underground gas tanks were removed in accordance with Utah Administrative Code § R311. The sole remaining Building, the former Maverik convenience store, occupies the northeast corner of the Site. After the Buildings were demolished, the City constructed a temporary surface Parking lot on the site.

[1] LMC § 15-1-8
[2] LMC § 15-1-10
[3] LMC Chapter 15-7.1



Figure 1. Five-Acre Site looking northeast toward the intersection of Kearns Boulevard and Bonanza Drive. The former Maverik Building is the last to remain.



Figure 2: Vicinity map with Five-Acre Site highlighted in red.

The City is partnering with Brinshore Development to redevelop the Site with a mixed-use Development consisting of seven Buildings totaling 185,512 square feet with:

- 88 affordable housing rental units

- 18 unrestricted housing rental units[4]
- Over 30,000 square feet of retail, restaurant, café, and non-profit arts spaces
- A Child Care Center

Four of the seven Buildings—Buildings 3-6 fronting Kearns Boulevard and Bonanza Drive—are separated at ground level near the center of each Building with breezeways that are 25 feet wide. The Applicant states the breezeways are intended "to allow easy pedestrian and community access to the public use commons area." See Figure 3 for a rendering of a proposed breezeway.

The proposed redevelopment also includes an underground parking structure with 280 parking spaces, landscaped community green spaces and plazas, an amphitheater, a playground, multi-use pathways along Kearns Boulevard and Bonanza Drive, and public art and an arts pavilion.



Figure 3. Rendering along Bonanza Drive depicting proposed breezeway, provided by Brinshore Development. The breezeways are proposed at ground level for Buildings 3, 4, 5, and 6.

[4] The Applicant explained the meaning and intent of unrestricted housing units: "*While the project's 88 affordable units will be deed-restricted via the Low-Income Housing Tax Credit program to rent to tenants earning at or below certain percentages of the Area Median Income (AMI)—specifically 40%, 50%, 60%, 70%, and 80% AMI—the 18 units designated as unrestricted will not be deed-restricted under the tax credit program. By nature, unrestricted units in a mixed-income project rent at below market rates, generally at 80% to 120% AMI, which is the 'missing middle' in Park City*."



Figure 4: Rendering provided by Brinshore Development from the intersection of Bonanza Drive and Kearns Boulevard.



Figure 5: Proposed site plan, provided by Brinshore Development. The numbers added by staff indicate the location of each Building.

Schedule

Staff proposes the following schedule for Planning Commission review:

- **July 8, 2026** – Public hearing with review of the proposed Housing Mitigation Plan and Traffic Impact Study.
- **August 12, 2026** – Public hearing with continued review of the project.
- **August 26, 2026** – Public hearing with potential Final Action, or continuation to September 9, 2026.
- **Additional meetings may be scheduled at the discretion of the Planning Commission**.

Analysis

This is an introductory work session, and the following analysis is provided for Planning Commission consideration:

I. Bonanza Park Small Area Plan
II. General Plan and Moderate Income Housing Plan
III. General Commercial and Frontage Protection Zone Regulations
IV. Subdivision Criteria
V. Conditional Use Permit Criteria
VI. Master Planned Development Criteria
VII. Additional Building Height requested through the Master Planned Development review
VIII. Proposed Parking

(I) The proposal is aligned with the adopted Bonanza Park Small Area Plan.

The Five-Acre Site is within the 200-acre Bonanza Park neighborhood. On July 11, 2024, the City Council approved Ordinance No. 2024-17, adopting the Bonanza Park Small Area Plan as part of the General Plan and redevelopment of the Five-Acre Site is anticipated. Consistent with the Plan's vision of a walkable, connected, livable, and inclusive community for current and future Parkites of all ages, the Five-Acre Site is envisaged as:

- Complementary to the character of Bonanza Park (p. 44)
- A mixed-use district with housing, retail, and an arts center (p. 54)
- A landmark corner and gateway into the neighborhood poised for transformation (p. 54)

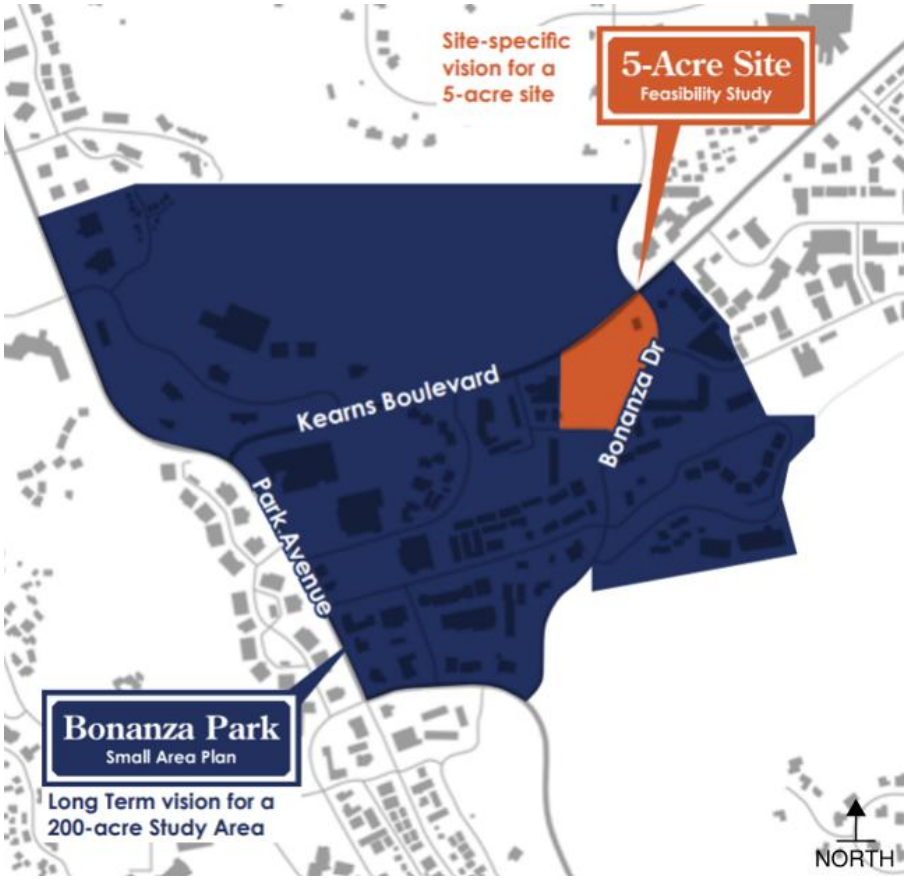


Figure 6: The Five-Acre Site within the Bonanza Park neighborhood, Bonanza Park Small Area Plan p. 19.

Redevelopment of the Five-Acre Site supports the broader goals and recommendations of the Bonanza Park Small Area Plan:

- **Mixed Use:** Create a mixed-use neighborhood with livability in mind.
    - Establish development guidelines for new multifamily and mixed-use buildings to create walkable, human-scale development that is contextual and sensitive to its environments.
- **Local:** Support locally-owned business and entrepreneurship.
- **User-Friendly:** Create a safe and intuitive network for pedestrians, cyclists, and transit users.
    - When considering development proposals, encourage multiple connections through Bonanza Park to create a more walkable and interconnected block system.
    - Leverage future developments to fund and implement mobility improvements, such as traffic calming, crosswalk improvements, transit hubs, and tunnels to surrounding neighborhoods.
- **Inclusive:** Expand the availability of affordable and workforce housing units.
    - Work with the development community to build more affordable and workforce housing in Bonanza Park and help meet citywide goals.
    - Ensure that new housing and public spaces in Bonanza Park follow Universal Design Principles, as defined in the Bonanza Park Small Area Plan.

- **Green:** Create a more welcoming and sustainable community.
    - Ensure that all current and future Bonanza Park residents are within a safe and comfortable 10-minute walk to a park, outdoor community space, or trail connection.
- **Cultural:** Weave arts and culture into the community fabric.
    - Ensure that public art is meaningfully incorporated into development proposals and their community outdoor spaces.

Concurrently with development of the Bonanza Park Small Area Plan, the City developed the 5-Acre Site Feasibility Study to determine the scale of redevelopment and types of uses that are appropriate for the Site. The Applicant reviewed the study results with the City Council, as outlined in the Background Section at the end of this report, prior to receiving direction to proceed with the applicable Planning applications.

(II) The proposal includes 88 Affordable Housing units and is aligned with the General Plan and Moderate Income Housing Plan.

In 2020, approximately 20% of the City's workforce lived within City limits. According to the 2023 Park City Affordable Housing Analysis, that share declined to 12.1%. In response, in 2025, the City Council adopted a goal to increase workforce living in town to 15% by 2032, which is estimated to require a total of 1,864 affordable housing units. According to the City's Housing team, today, 829 affordable units are in operation, and an additional 172 units are under construction, bringing the current pipeline to 1,001 units. To achieve the Council's goal, the City will need to deliver approximately 863 additional affordable units by 2032.[5]

Additionally, the Utah legislature in recent years prioritized long-term planning focusing on affordable housing. State law requires cities to include a Moderate Housing element in the General Plan, and specifically, a Moderate Income Housing Plan, with certain strategies as outlined in the Land Use, Development, and Management Act (LUDMA).[6] The legislature's intent is clear:

In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

A. to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and

B. to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life.

[5] Resolution No. 13-2025 *Adopting a 2025 Amendment to the 2022 Five-Year Moderate-Income Housing Plan as an Amendment to the Housing Element of the General Plan for Park City, Utah*

[6] Utah Code § 10-21-201. *Moderate income housing plan required*.

The proposal aligns with Bonanza Park and the Moderate Income Housing goals and strategies of the General Plan:

Moderate Income Housing Goal – *We will provide housing options for various groups, including workforce, seniors, and first-time home buyers.*

> ***Strategy 1A*** *– Provide a range of housing options at varying price levels that address a tiered approach (affordable, attainable) to provide diverse housing options for all ages and groups of the population.*
>
> > ***Action****: Evaluate existing incentives for construction of affordable and attainable housing. Focus on mixed-use node areas as identified in the Node Types Map.*

Bonanza Park Mobility Hubs/Corridor Infill – *Centralized locations that integrate multiple transportation modes, medium-density residential infill (within a ¼ mile radius), as well as basic services and retail. Focus on increasing walkability, aligning with the goals of the Bonanza Park Small Area Plan of creating a livable mixed-use neighborhood, where locally owned businesses and entrepreneurship will be incentivized, and affordable and workforce housing a part of new development.*

The proposal aligns with the Moderate Income Housing Plan:

> **Goal I:** *Facilitate the production of a mix of new housing units to meet the needs of the local workforce, maintain vibrancy, and increase the diversity of the community.*
>
> > **Objective A:** *Work with public/private partnerships to build new units.*
> > **Objective C:** *Increase the diversity of housing stock to include various unit sizes and types.*

The Five-Acre Site will include 88 affordable rental units and 18 unrestricted rental units and will house a non-profit affordable Child Care Center. The Five-Acre Site is within the Bonanza Park Corridor Infill Node and includes residential infill development and a mix of uses that include commercial, non-profit, childcare, and community centers, such as the Wye community gathering space[7] that features both active and passive Open Space. The Applicant states the project will "include a mix of housing types and sizes with rents designed as affordable for families ranging from the 40% to 80% of Area Median [Income, as] well as below-market unrestricted units for families ranging from the 80% to 120% of Area Median Income."

(III) The proposed redevelopment is subject to the requirements of (a) Land Management Code Chapter 15-2.18 *General Commercial District* and (b) Land Management Code Chapter 15-2.2 *Frontage Protection Zone*.

[7] The Applicant's plans indicate that the Wye community gathering space in the center of the Five-Acre Site is named for the railroad "wye"—a turnaround for train cars—that was once located on the Site.

(a) Land Management Code Chapter 15-2.18 *General Commercial District*

The Five-Acre Site is within the General Commercial (GC) Zoning District and the purpose of this Zoning District is to:

- Allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- Allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- Protect views along the City's entry corridors,
- Encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods and other commercial Developments,
- Allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways,
- Encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- Encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.[8]

The Applicant proposes Retail, Restaurant, Café, and Parking Structure Uses, which are permitted in the GC Zoning District.[9] The Applicant also proposes Multi-Unit Dwellings and a non-profit arts space, both of which require Planning Commission approval of a Conditional Use Permit (CUP).[10] A summary and review of the CUP criteria are provided in Analysis Section V.

Because the proposal is over 10,000 square feet it is reviewed under the Master Planned Development (MPD) code and the GC Zoning District Setbacks[11] are not applicable. Rather, the MPD perimeter Setbacks of 25 feet are required and outlined in Section VI.

Building Height in the GC Zoning District is a maximum of 35 feet from Existing Grade; gable, hip, barrel, or other pitched roof forms may extend five feet above the maximum height (up to 40 feet) when the roof pitch is 4:12 or greater.[12] The Applicant is proposing additional Building Height through the MPD process; a detailed analysis is in Section VII.

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[8] LMC § 15-2.18-1
[9] LMC § 15-2.18-2(A)
[10] LMC § 15-2.18-2(B)
[11] LMC § 15-2.18-3
[12] LMC § 15-2.18-4

(b) Land Management Code Chapter 15-2.2 *Frontage Protection Zone*.

The proposed Five-Acre Site is within the Frontage Protection Zone (FPZ) along Kearns Boulevard, which extends 100 feet into the property. The purpose of the FPZ is to:

- Preserve Park City's scenic view corridors,
- Preserve and enhance the rural resort character of Park City's entry corridor,
- Provide a significant landscaped buffer between Development and highway Uses,
- Minimize curb cuts, driveways, and Access points to highways,
- Allow for future pedestrian and vehicular improvements along the highway corridors.[13]

The FPZ requires a 30-foot Setback for all Structures along Kearns Boulevard.[14] The Applicant does not propose any Structures within the required 30-foot Setback. All Construction Activity within 30 to 100 feet from Kearns Boulevard requires a CUP and is subject to review criteria[15] and architectural design review criteria.[16] See Section VI.

The Applicant proposes five electrical utility boxes and 10 telecom pedestals and boxes within the FPZ. If the project is approved by the Planning Commission, the installation of utilities will require an Administrative Permit, with review by the Planning, Engineering, and Building Departments, and screening/landscaping.[17]

One of the purposes of the FPZ is to minimize curb cuts and vehicle access to Kearns Boulevard.[18] Presently, the Site includes three vehicle accesses onto Kearns Boulevard. The Applicant proposes to reduce the number of vehicle access points to one, allowing vehicle access along the west portion of the Site, the furthest portion of the Site from the Kearns Boulevard/Bonanza Drive intersection. The placement and number of access points onto Kearns Boulevard is consistent with the regulations of the FPZ.[19]

No fences are proposed within the FPZ; the Applicant has worked closely with the City's Transportation and Fire Departments in the design and placement of the proposed sidewalk and multi-use trail (which doubles as emergency vehicle access) and will continue to do so through the Building Permit process.

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[13] LMC § 15-2.20-1
[14] LMC § 15-2.20-4(A)
[15] LMC § 15-1-10
[16] LMC Chapter 15-5
[17] LMC § 15-2.20-4(D)
[18] LMC § 15-2.20-4(E)
[19] LMC § 15-2.20-4(E)



Figure 7. Zoning Map, Five-Acre Site highlighted in yellow, identifying GC Zoning District in red with the FPZ 100-foot Setback in the dashed green line.

The only proposed encroachments into the 30-foot FPZ Setback beyond required utility installations are a pedestrian sidewalk with access to the development and a multi-use trail for pedestrians and cyclists (acting as an emergency vehicle access route when required) along Kearns Boulevard.

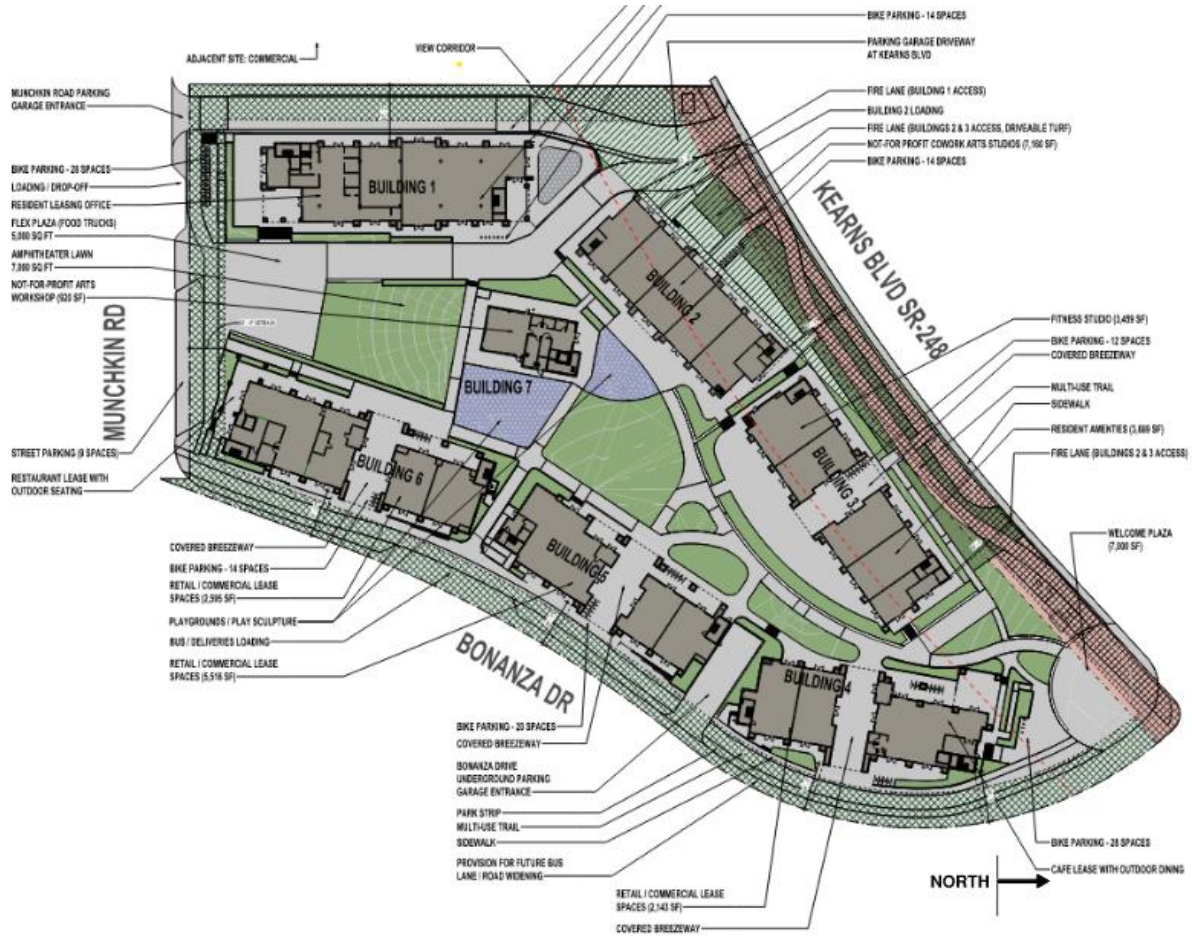


Figure 8: Applicant's Site Plan showing 30-foot FPZ hatched in red. The dashed red line running through Buildings 2 and 3 indicates the location of the 100-foot FPZ.

(IV) The Applicant proposes a single Lot Subdivision for the redevelopment of the Five-Acre Site.

The Applicant proposes to consolidate into a single Lot:

- Lot 46 of the Prospector Square Subdivision (Recorded 1974, Entry No. 125443), which was divided into four Parcels by the Resubdivision of Lot 46 Prospector Square (Recorded 1985, Entry No. 231818),
- Parcels A and B of the Kearns Business Center Subdivision (Recorded 1992, Entry No. 366123),
- Four metes-and-bounds Parcels.

The proposed Bonanza Park Subdivision Lot A will contain 5.27 acres (229,390 square feet), have frontage on Kearns Boulevard, Bonanza Drive, and Munchkin Road (public Rights-Of-Way), and will provide emergency vehicle access easements along Kearns Boulevard and from Munchkin Road to Kearns Boulevard (Figure 9).

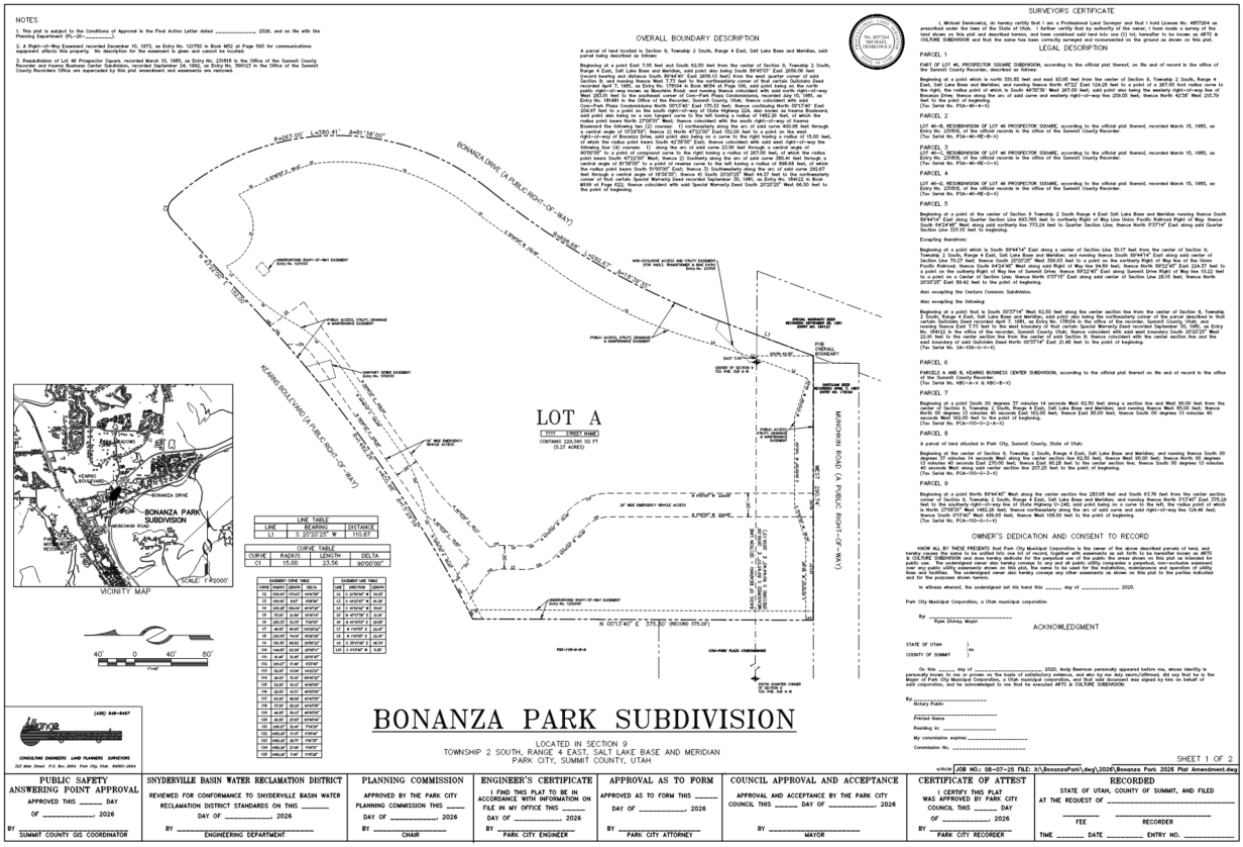


Figure 9: Proposed Bonanza Park Subdivision, submitted by the Applicant.

The proposed redevelopment will be required to comply with LMC Chapter 15-7 *Subdivision General Provisions*. The Planning Commission reviews Subdivisions pursuant to LMC Chapter 15-7.1 *Subdivision Procedures*. LMC § 15-7.1-3(A)(1) establishes a Subdivision containing three or fewer Lots fronting on an existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements, as a Minor Subdivision, requiring Planning Commission review of the Final Plat.

The Applicant has been coordinating with City Departments, Districts, and applicable utilities. On May 19, 2026, the Development Review Committee evaluated the Bonanza Park Subdivision, and no preliminary issues remain unresolved from Committee review.

Subdivision – Applicable Rules and Regulations[20]

The Development Review Committee and internal review teams, including Engineering, Public Utilities, Public Works, Transportation Planning, and Water, and local districts, including Park City Fire District and Snyderville Basin Water Reclamation District, reviewed the proposal.

Park City Fire District recommends a Condition of Approval:

[20] LMC § 15-7.3-1(A)

- The emergency access lanes shall be kept free of trees, shrubs, or design features that would impede access to the interior of the site.

General Subdivision Requirements[21]

- **Subdivision Name** – The proposed name of the Subdivision must not duplicate, or too closely approximate, the name of any other Subdivision platted with Summit County, Utah. The proposed Subdivision name—"Bonanza Park"—is under review by the County Recorder.
- **Open Space** – See Section VII.
- **Trails and Sidewalks** – The Applicant proposes multi-use trails along Kearns Boulevard and Bonanza Drive with sidewalks connecting the trails to internal green space and the broader neighborhood.

General Lot Design Requirements[22]

- **Lot Arrangement** – The Applicant proposes a single 5.27-acre Lot with access to Kearns Boulevard, Bonanza Drive, Munchkin Road, and a new driveway along the western side of the Lot connecting Munchkin Road with Kearns Boulevard.
- **Building Sites** – The Five-Acre Site comprises 10 existing Lots and Parcels, all of which are disturbed. See Section VI(F) for a discussion of MPD Site planning requirements.
- **Square Footage** – Density in the GC Zoning District is volume-based. See Section VI(A) for a discussion of the proposed project's compliance with density requirements. See Section VII for a discussion of Building height.
- **Lot Dimensions and Double Frontage Lots** – The proposed 5.27-acre Lot has three Frontages with a single access point on each Frontage. The proposed development meets GC Zoning District and FPZ Overlay Setback requirements.

Road Requirements and Design[23]

- The Applicant proposes access to the Site via three existing roads—Kearns Boulevard, Bonanza Drive, and Munchkin Road. The Applicant designed the project to allow for widening of Bonanza Drive to accommodate a potential future bus transit lane.

Utilities[24]

- The proposed Subdivision plat includes a public access, utility, drainage, and maintenance easement along Kearns Boulevard, Bonanza Drive, and Munchkin Road (see Figure 10).

[21] LMC § 15-7.3-2
[22] LMC § 15-7.3-3
[23] LMC § 15-7.3-4
[24] LMC § 15-7.3-9

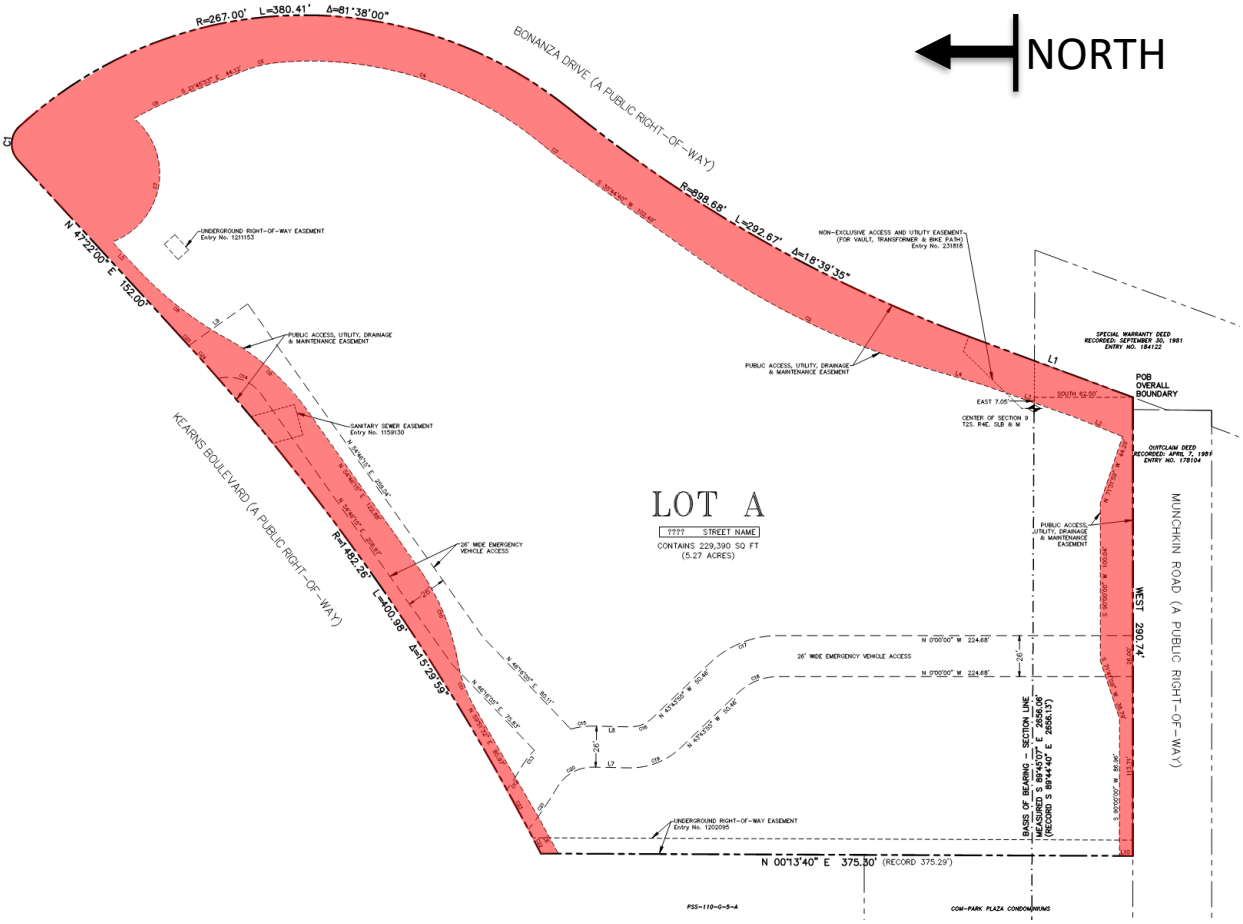


Figure 10: Proposed public access, utility, drainage, and maintenance easement highlighted in red.

Parks, Playgrounds, and Recreation Areas[25]

- LMC § 15-7.3-10(A)(1) outlines a requirement of recreation areas equivalent to one acre per 200 Multi-Unit Dwellings, or 218 square feet per Multi-Unit Dwelling. The Applicant proposes 106 Multi-Unit Dwellings, so the project requires 23,108 square feet of recreation areas. The Applicant far exceeds this requirement and proposes 142,600 square feet of publicly accessible Open Space areas. See Section VII.

(V) Redevelopment of the Five-Acre Site requires Conditional Use Permits for Multi-Unit Dwellings and a non-profit arts space.

The project includes CUP applications for Multi-Unit Dwellings and a non-profit arts space. Both Conditional Uses are partially located in the FPZ, where all development requires a CUP.

LMC § 15-1-10 states "[t]here are certain Uses, that, because of unique characteristics

[25] LMC § 15-7.3-10

or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts."

The Planning Commission reviews 17 criteria to determine whether the proposed Conditional Uses mitigate impacts. A Conditional Use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.[26]

1. **Size and location of site.**

The Five-Acre Site is a proposed 5.27-acre Lot, consolidating metes-and-bounds Parcels and Lots into a single Lot for a mixed-use development, bounded by Kearns Boulevard on the north, Bonanza Drive on the east, Munchkin Road on the south, and commercial Uses within The Emporium and Com-Park Plaza to the west. The table below includes the approximate size of neighboring Lots and Parcels.

Lot or Parcel	Name	Address	Acreage
PCA-110-G-5-A	The Emporium	1351 Kearns Blvd	0.77
CPP-1 – CPP-14	Com-Park Plaza	1950 Woodbine Way	0.70
SA-224-Z	PCMR Munchkin Lot	1375 Munchkin Rd	2.10
CCOM-A CCOM-B	Rail Central	1790 Bonanza Dr 1800 Bonanza Dr	2.36
PSA-45-RE-A	Park City Plaza	1890 Bonanza Dr	2.98
PSA-I	Prospector Square Subdivision	Parking Lot "I" at Bonanza Dr and Prospector Ave	1.2
PSA-38-A	Alberto's	1640 Bonanza Dr	0.13
PCA-110-X	Park City Cemetery	1300 Kearns Blvd	35.19

The Five-Acre Site is situated at the southwest corner of Kearns Boulevard and Bonanza Drive, a prominent intersection in the City. The Bonanza Park Small Area Plan calls for transforming this "landmark corner and gateway into the neighborhood" through redevelopment of the Site with mixed uses including housing, retail, and an arts center.

The proposed redevelopment includes multi-use trails along Kearns Boulevard and Bonanza Drive. In addition, the project allows for potential widening of Bonanza Drive, a key neighborhood corridor, to accommodate a possible future bus transit lane.

[26] LMC § 15-1-10



Figure 11: The Five-Acre Site is situated at the southwest corner of Kearns Boulevard and Bonanza Drive.

2. Traffic considerations including capacity of the existing Streets in the Area.

The Five-Acre Site is located at a major intersection that experiences significant traffic delays during peak hours. The proposed redevelopment will generate more than 25 new peak-hour vehicle trips in an hour and therefore requires a Transportation Impact Study (TIS).[27] The Applicant submitted a TIS prepared by Hales Engineering dated June 5, 2026. The TIS is under review by City staff in coordination with a third-party consultant and will be reviewed by the Planning Commission at the July 8, 2026, Commission meeting. Potential Transportation Demand Management strategies to manage and mitigate traffic will also be discussed at that time.

3. Utility capacity, including Storm Water run-off.

[27] Park City Transportation Impact Study Guidelines

The Development Review Committee reviewed the proposed project on May 19, 2026, and Committee issues will be addressed with proposed Conditions of Approval.

4. Emergency vehicle Access.

The site plan includes access for emergency vehicles within the FPZ northeast of Buildings 2 and 3 and within the site's interior southeast of Building 1. Emergency vehicle access to Buildings 4, 5, and 6 is via Bonanza Drive. A proposed driveway connecting Munchkin Road and Kearns Boulevard provides additional access for emergency vehicles (see Figure 12).

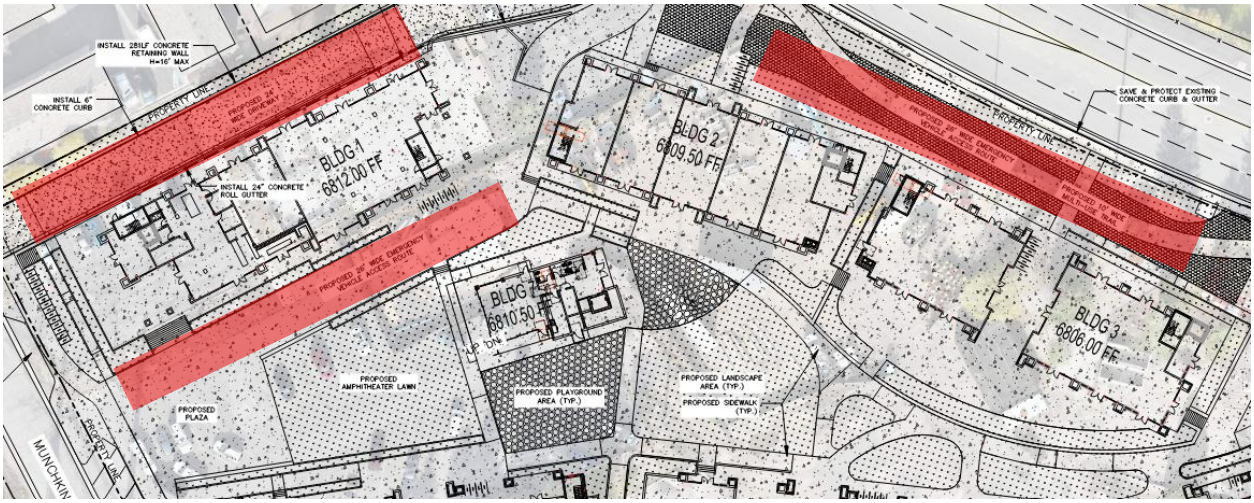


Figure 12: Portion of proposed site plan with emergency vehicle access areas highlighted in red, provided by Brinshore Development.

Park City Fire District recommends a Condition of Approval requiring the Applicant to keep emergency access lanes free of trees, shrubs, or design features that would impede access to the interior of the site.

5. Location and amount of off-Street parking.

The Applicant proposes a shared underground parking garage to accommodate parking for the Development. See Section VIII.

6. Internal vehicular and pedestrian circulation system.

The site's two most prominent street frontages on Kearns Boulevard and Bonanza Drive include 15-foot-wide multi-use trails. The site includes seven buildings that open onto a common area with sidewalks connecting to the multi-use trails and the larger Bonanza Park neighborhood. The Applicant also proposes ground-level breezeways on certain Buildings to open pedestrian access to the site (see Figure 13).

Vehicles will park in an underground parking garage with two access points: on Bonanza Drive near the intersection with Prospector Avenue and on a proposed 24-

foot-wide driveway connecting Munchkin Road and Kearns Boulevard. These will be reviewed along with the TIS on July 8, 2026. Staff is working with the Applicant on additional information regarding design features to prioritize and protect pedestrians and cyclists at the two locations where vehicles enter the parking garage.

Additional surface parking and a drop-off area are proposed along Munchkin Road.

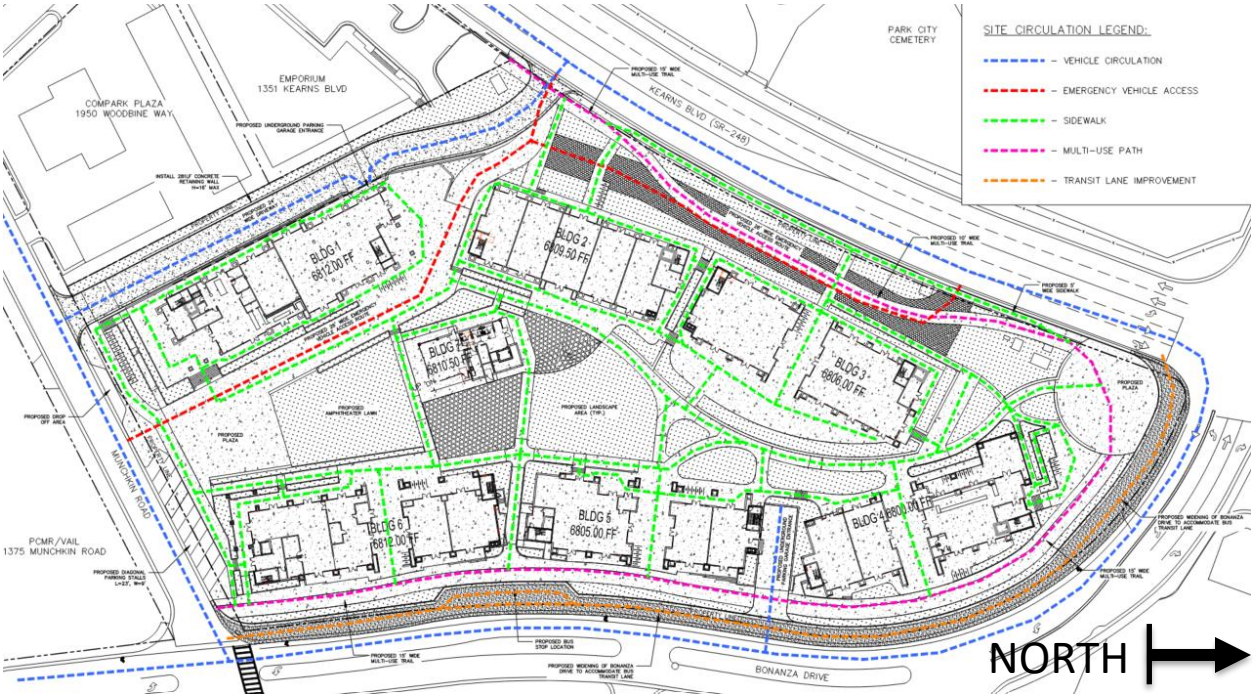


Figure 13: Site circulation plan, provided by Brinshore Development.

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses.

The project abuts three Right-Of-Ways: Kearns Boulevard, Bonanza Drive, and Munchkin Road. Areas adjacent are proposed to be landscaped with trees, shrubs, grasses, perennials, and groundcovers. Staff is working with the Applicant on additional information about the vegetation proposed for landscaping of the Site. An approved list of waterwise and firewise plants is found in Municipal Code of Park City § 14-1-5.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots.

The Applicant proposes Multi-Unit Dwellings in six of the seven Buildings. Buildings 2 and 3 are set back 30 feet from Kearns Boulevard and are partially within the 30-foot to 100-foot FPZ Setback. The Applicant proposes a non-profit arts space in Building 2 in the north central portion of the Site, partially within the 30-foot to 100-foot FPZ Setback that parallels Kearns Boulevard. The plans also include a 920-square-foot arts pavilion in Building 7 in the center of the Site. See also Section VII.

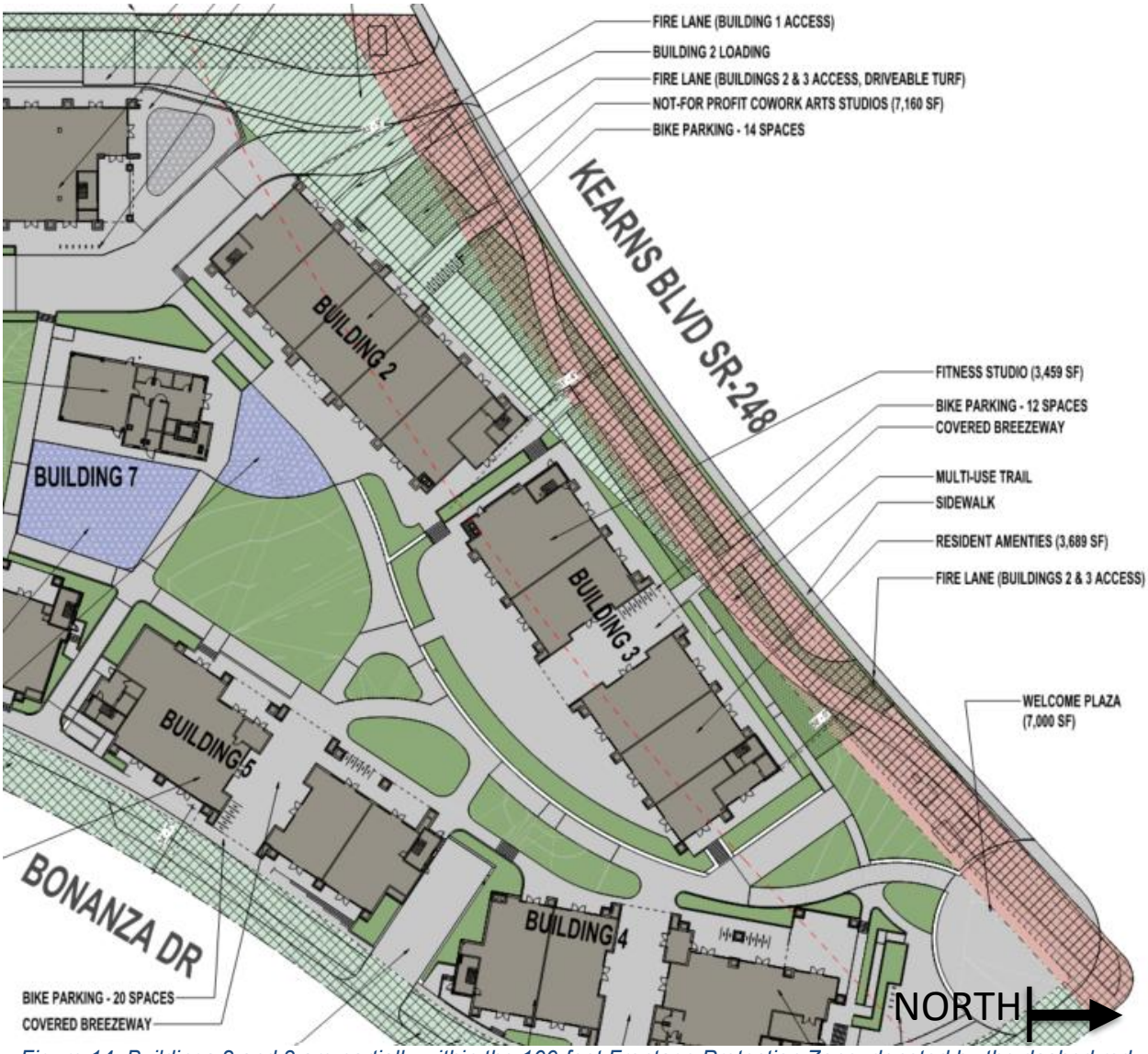


Figure 14: Buildings 2 and 3 are partially within the 100-foot Frontage Protection Zone, denoted by the dashed red line.

9. Usable Open Space.

LMC § 15-6-5(D)(2) states the minimum Open Space requirement for redevelopment of existing Developments is 30%. The proposal for 62% Open Space exceeds the requirement. See Section VII.

10. Signs and lighting.

Outdoor lighting must comply with the City's dark sky code in LMC § 15-5-5(J) and be Fully Shielded, down-directed, with bulbs that are 3,000 degrees Kelvin or less.

Municipal Code of Park City § 12-3-3 states a Master Sign Plan is required for a project or premises having more than one tenant. Prior to the installation of any signs, the

Applicant will be required to receive approval of a Master Sign Plan. Separate permits are required for individual signs, and all signs must comply with the Master Sign Plan for the site.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.

See Section VII.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.

Multi-Unit Dwellings and non-profit arts spaces are not expected to generate noise, vibration, odors, steam, or other issues that would affect people or other properties. Events in community gathering spaces such as the proposed amphitheater are required to either obtain a Special Event Permit or to comply with the City's noise standards in Municipal Code of Park City Chapter 6-3.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup areas.

Loading and unloading zones are adjacent to Buildings 1, 2, 5, and 6. Staff is working with the Applicant on additional information about the proposed locations for loading areas and the types of vehicles proposed to be permitted to access the loading and unloading zones.

Trash and recycling facilities are in the underground parking garage.

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities.

The City is the owner of the property and the Applicant is working with the City Council on an agreement addressing long-term ownership/lease and management of the property.

15. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site.

The site is within the City's Soil Ordinance Boundary. The Applicant submitted an Analysis of Brownfield Cleanup Alternatives prepared by Terracon on August 15, 2024. The Applicant will coordinate with the City's Property and Environmental Services Manager to meet the requirements of Municipal Code of Park City Chapter 11-15 *Park City Landscaping and Maintenance of Soil Cover* and other local, state, and federal

regulations.

16. **Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.**

See Section II.

17. **Radon mitigation; the Planning Commission shall require residential Conditional Uses to include the installation of a basic radon remediation system that allows for the installation of a radon remediation handler if or when radon mitigation is required for the space in accordance with residential building codes.**

The Applicant will be required to install basic radon remediation systems that allow for the installation of radon remediation handlers when required by residential building codes in each of the buildings with Multi-Unit Dwellings.

(VI) The Land Management Code includes specific requirements for Master Planned Developments.

The purpose of MPDs is to set forth Use, Density, Height, Parking, design theme, and general Site planning criteria for larger projects having a variety of constraints and challenges, such as environmental issues, multiple Zoning Districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are compatible with the surrounding neighborhood. The goal of MPD regulations is to result in projects which:

1. Complement the natural features of the Site;
2. Ensure neighborhood Compatibility;
3. Strengthen the resort character of Park City;
4. Result in a net positive contribution of amenities to the community;
5. Provide a variety of housing types and configurations;
6. Provide the highest value of Open Space for any given Site;
7. Efficiently and cost effectively extend and provide infrastructure;
8. Provide opportunities for the appropriate redevelopment and reuse of existing Structures/Sites and maintain Compatibility with the surrounding neighborhood;
9. Protect Residential Uses and residential neighborhoods from the impacts of non-Residential Uses using best practice methods and diligent code enforcement;
10. Encourage mixed-use, walkable, and sustainable development and redevelopment that provides innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community; and
11. Encourage opportunities for economic diversification and economic development

within the community.[28]

LMC § 15-6-5 includes the following minimum requirements for all MPDs:

A. Density – The Master Planned Development shall not exceed the maximum Density in the Zoning District

The GC Zoning District is a volume-based district. Density is determined by the required Setbacks, allowed Building Height, and Open Space. The maximum Building volume is approximately 499,450 square feet. The Applicant proposes a total square footage of 185,512 square feet, less than 40% of the maximum Building volume for the site (see Figure 17; see also Section VII).

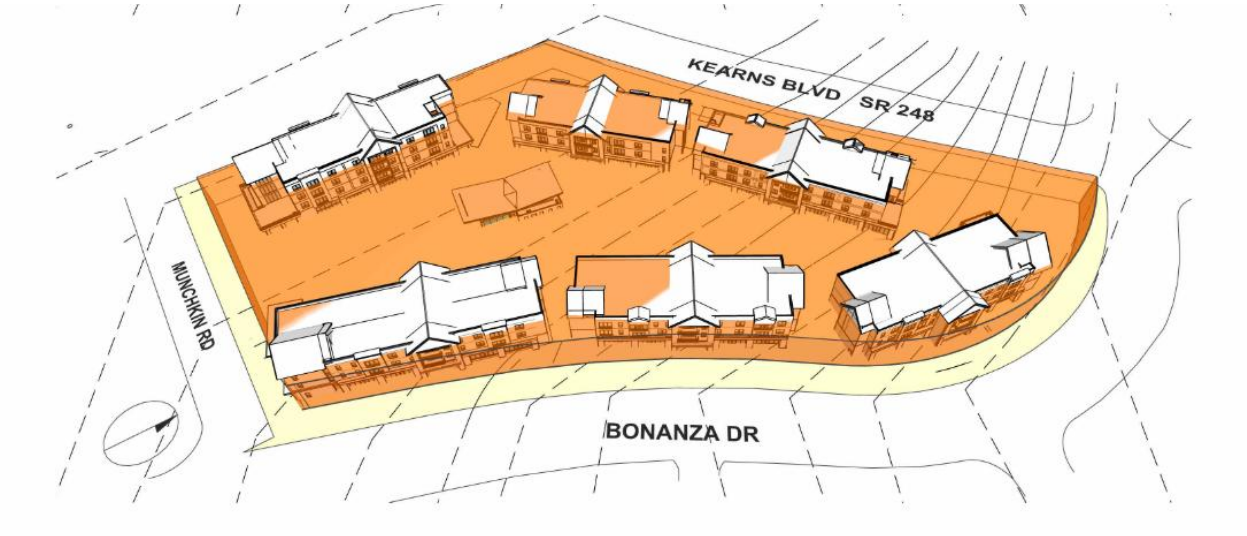


Figure 15: Diagram showing setbacks in yellow and buildable area in orange. The white portions of Buildings extend above the maximum height for the GC Zoning District (see Analysis Section III).

B. Setbacks

For Parcels larger than two acres, the minimum required perimeter Setback is 25 feet.[29] The Applicant proposes minimum Setbacks of 33 feet, 10 inches along Bonanza Drive and 40 feet, 2 inches along the west property line.

The proposed development meets the required FPZ Setbacks along Kearns Boulevard (see Section III).

C. Open Space

See Section VII.

[28] LMC § 15-6-1
[29] LMC § 15-6-5(C)

D. Off-Street Parking

See Section VIII.

E. Building Height

See Section VII.

F. Site Planning

LMC § 15-6-5(G) states "[an MPD] shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the site, and not the Site modified to fit the project."

The proposed project has been designed to fit the Site by:

- Clustering development to increase Open Space.
- Working with the Existing Grade to minimize cuts and fills.
- Incorporating multi-use trails within Setbacks and pedestrian pathways within interior Open Space areas.
- Prioritizing pedestrian and bicycle circulation by locating vehicular parking in an underground structure.
- Establishing adequate areas for snow storage (see Figure 18).
- Locating trash and recycling facilities where they are least obtrusive – in the underground parking structure.
- Providing a drop-off area and limited surface parking along Munchkin Road.
- Accommodating a potential transit lane on Bonanza Drive and incorporating bus shelters within the site plan.



Figure 16: The Applicant proposes approximately 35,000 square feet of snow storage (areas hatched in blue).

The proposed project meets the MPD site planning requirements because the project is designed to fit the Site, including Setback and Open Space requirements.

G. Landscape and Lighting

See Section V.

H. Employee/Affordable Housing

The Applicant submitted a Housing Mitigation Plan currently under review by the Housing Team. The Planning Commission will review the Housing Mitigation Plan at the July 8 Commission meeting.

I. Mine Hazards and Historic Mine Waste Mitigation

The Applicant submitted an Analysis of Brownfield Cleanup Alternatives prepared by Terracon on August 15, 2024. The Applicant will coordinate with the City's Property and Environmental Services Manager to meet the requirements of Municipal Code of Park City Chapter 11-15 *Park City Landscaping and Maintenance of Soil Cover* and other local, state, and federal regulations.

J. General Plan Review

See Section II.

K. Historic Sites

The property does not include any Historic Sites.[30]

L. Design Guidelines

See Section VII.

M. Radon Mitigation

See Section V.

(VII) The Applicant requests 18 feet 6 inches of additional Building Height through the Master Planned Development process. Staff recommends consideration of Site-specific analysis and the six criteria for additional Building Height. Staff recommends special consideration of requested exceptions in the 100-foot Frontage Protection Zone Setback.

The GC Zoning District establishes a maximum Building Height of 35 feet from Existing Grade[31] and allows an additional 5 feet, up to 40 feet, to accommodate gabled roofs with at least a 4:12 pitch.[32] The Applicant proposes 18 feet 6 inches of additional

[30] See Park City Historic Sites Inventory
[31] LMC § 15-2.18-4
[32] LMC § 15-2.18-4(A)(1)

Building Height from Existing Grade for a maximum proposed Building Height of 53 feet 6 inches (Exhibit A). Each proposed Building that exceeds the underlying Zoning District height includes a gabled pitch roof with a 12:12 pitch.

The Five-Acre Site consists of seven Buildings, six of which front Bonanza Drive and Kearns Boulevard. There is a slight slope downward from the south/west to the north/east of the Site of approximately 21 feet. Figure 17 illustrates the placement of each proposed Building in relation to the Site. The Applicant proposes the following Building Heights, measured from Existing Grade to the roof ridge:

- Building 1: 53 feet 6 inches
- Building 2: 43 feet
- Building 3: 45 feet 6 inches
- Building 4: 45 feet 6 inches
- Building 5: 46 feet 6 inches
- Building 6: 48 feet 6 inches
- Building 7: 18 feet 6 inches

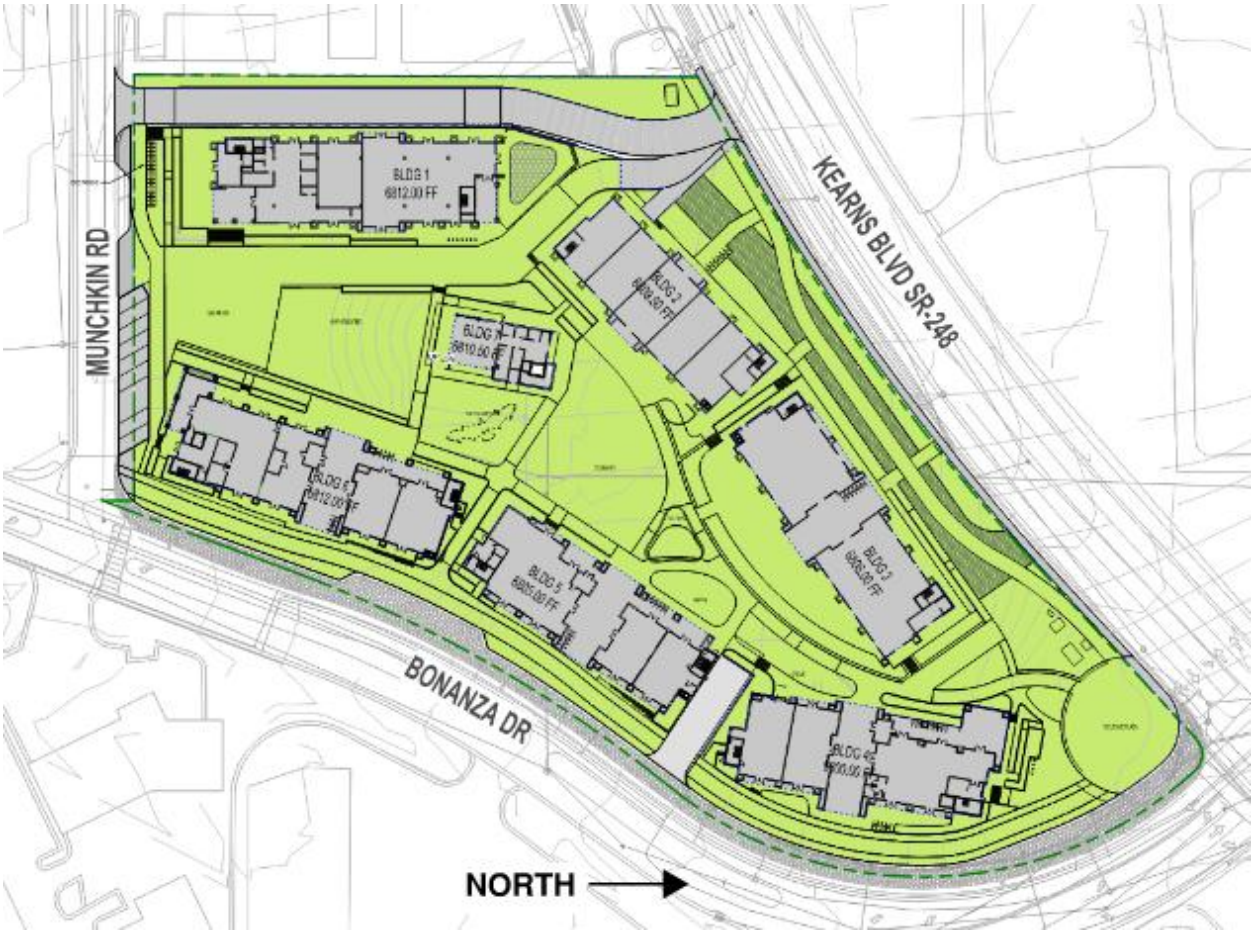


Figure 17: Building placement, provided by the Brinshore Development.

The Planning Commission may grant additional Building Height in MPDs when the Applicant demonstrates the six criteria identified in LMC § 15-6-5(F) are met:

1. **The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Façade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits.**

   The Applicant states, "*The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density.*

   The Building Height provides desired architectural variation by incorporating sloped gable façade accents incorporating historic park city design influence to break up flat roof lines."

   Density in the GC Zoning District is volume-based, established by the allowed Building envelope, which is determined by Building Height, Setbacks, Parking, and Open Space requirements.[33]

   LMC § 15-2.18-4(A) establishes a Setback of 30 feet in the FPZ. LMC § 15-6-5(C) requires a 25-foot Setback around the exterior boundary of an MPD for Parcels greater than two acres. Additionally, LMC § 15-2.18-2 establishes a Building Height of 35 feet from Existing Grade, while LMC § 15-6-5(D) sets the minimum Open Space requirement for redevelopment of existing Developments as 30%.

   Based on the required Setbacks, allowed Building Height, and Open Space, the maximum allowable Building volume of the site is approximately 499,450 square feet. The Applicant proposes a total square footage of 185,512 square feet.

   All proposed Structures will comprise four-sided architecture, or all exterior facades have been intentionally designed to provide façade articulation and designs that break the façade into human-scale segments. The façade articulations include 12:12 pitched gabled roofs emphasizing architectural projections and balconies, with a shift in exterior building materials; shed roofs highlight balconies, the larger expanse of façade includes two-foot architectural projections, and use of varied materials supports human-scale widths.

2. **Buildings have been positioned to minimize visual impacts on adjacent**

[33] A portion of the Five-Acre Site is within the Prospector Square Amended Subdivision Plat (Summit County Recorder Entry No. 125443). However, Lot 46 is not subject to the requirements of LMC § 15-2.18-3(I) that establishes a Floor Area Ratio for certain Prospector Subdivision Lots. The Applicant's submitted a Subdivision application removes the site from Prospector Square Amended Subdivision Plat.

Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site-specific analysis.

The Applicant states, "*Adjacent uses to the North, East and South sides of the property are separated by public streets and highways. Those adjacent uses are a cemetery to the North, commercial uses, mostly parking, to the East, and an industrial warehouse use to the South that will not be affected due to the wide roadway separation and types of uses.*

The directly adjacent uses on the West edge of the property are Compark Plaza, a light industrial condominium project and the Emporium, a small multi-tenant retail center. Neither of these projects have outdoor uses along the shared property line.

The project has been designed to mitigate any shadows, loss of solar access, and loss of air circulation due to building orientation, landscaping and increased setbacks."

The site includes frontage on three sides: Munchkin Road to the south, Bonanza Drive to the east, and Kearns Boulevard to the north. Minimal impact is anticipated on the properties adjoining these streets due to the positioning of the Buildings on the site.

The Applicant states "[b]y following the natural slope, the design allows easy pedestrian access along the street frontages and reduces the height impact of the overall development."

To the west of the site are two properties with four single-story structures, featuring an approximately 8-foot landscaped Setback on the shared property line. The proposed Building 1 will be located nearest to the west property line, and this Structure may generate the greatest off-site impacts within the development. Building 1 has a proposed height of 53 feet, 6 inches. The Applicant proposes a 40-foot 2-inch Setback from the west property line, providing separation between the Building and adjoining properties via a private driveway and parking lot entrance, landscaped area, curb and gutter, and pedestrian walkways.

A solar/shadow study has been submitted by the Applicant (Exhibit D and Figures 18-20), and provides an analysis for Winter Solstice, Summer Solstice, and Spring and Fall Equinoxes during the hours of 9:00 AM, noon, and 5:00 PM.

Because the Site is bounded on three sides by public Rights-of-Way, shadows on adjoining properties are limited. The parking lots east of Bonanza Drive experience shadows during the Spring and Fall Equinoxes at 5:00 PM. The property to the west experiences shadows during the winter solstice through

most of the morning; however, by noon, this shadow clears neighboring properties.

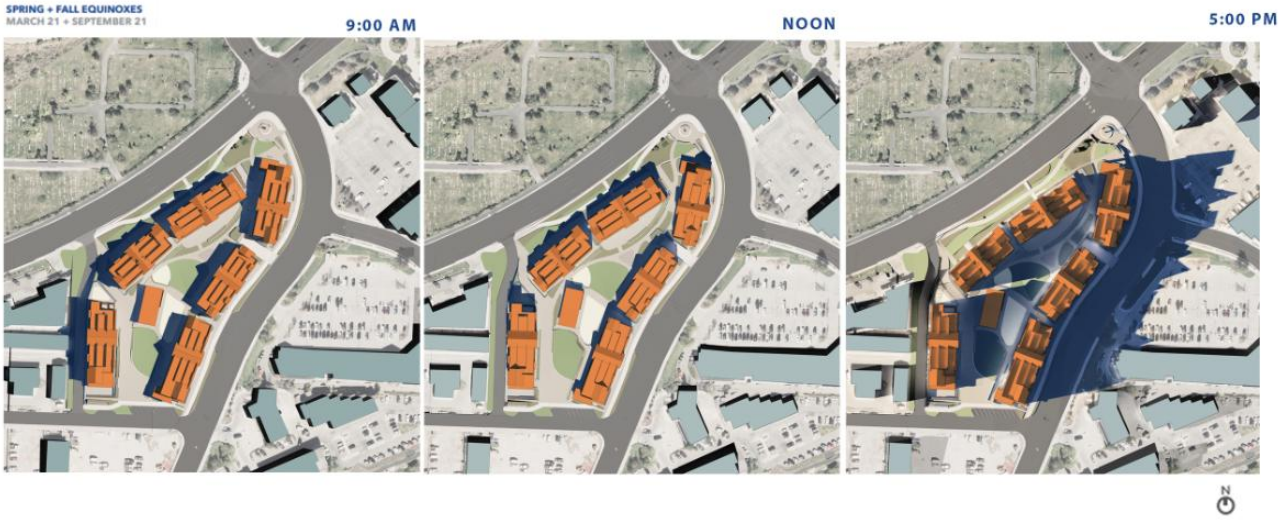


Figure 18: Solar/Shadow study Spring and Fall Equinoxes, provided by Brinshore Development.

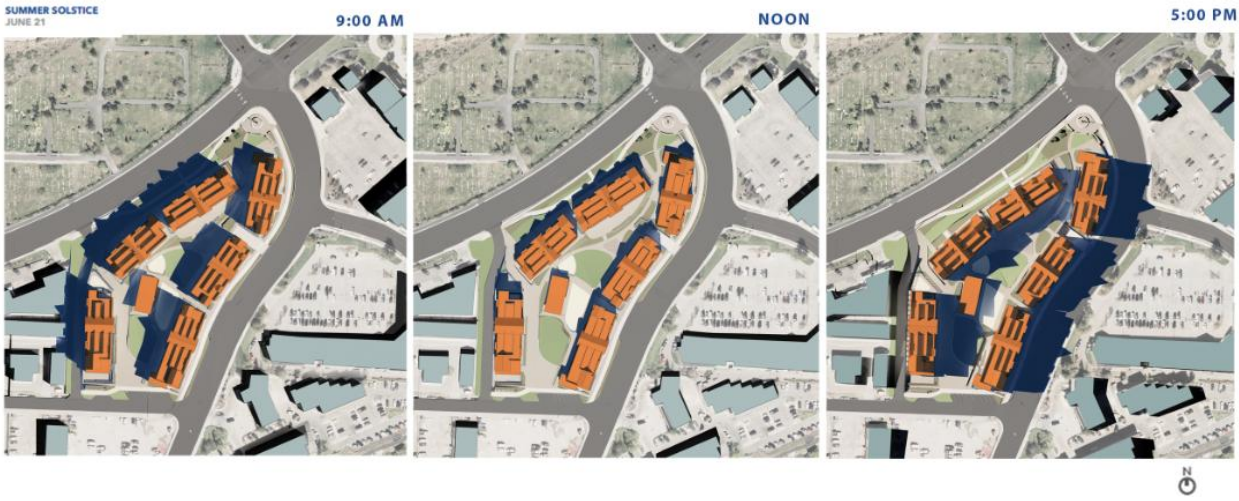


Figure 19: Solar/Shadow study Summer Solstice, provided by Brinshore Development.

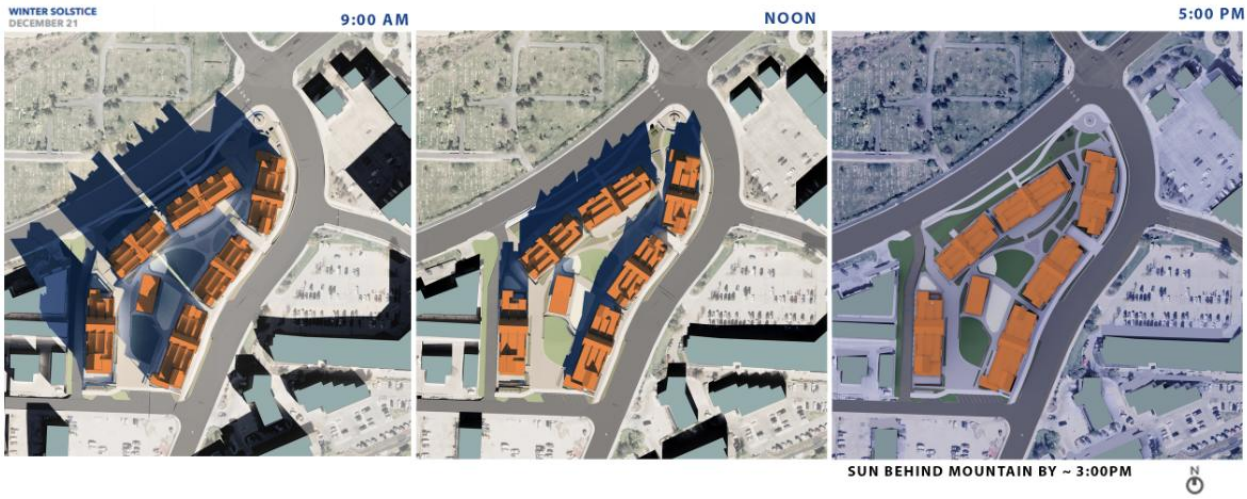


Figure 20: Solar/Shadow study Winter Solstice, provided by Brinshore Development.

Portions of Buildings 2 and 3 for which the Applicant is requesting additional Building Height are within the 30-foot to 100-foot FPZ. Development in this area requires a CUP and is subject to all applicable review criteria in Section V.[34]

Portions of the Buildings exceeding the GC Zoning District height in the FPZ, include gabled roof elements that are decorative. Staff recommends the Applicant consider alternative roof forms or designs to reduce the requested Building Height exception within the 100-foot FPZ Setback.

3. **There is adequate Landscaping and buffering from adjacent Properties and Uses.**

The Applicant states, "*Landscaping and buffering have been provided on all sides of the project."*

An MPD requires a minimum Setback around the exterior of the project of 25 feet for Parcels greater than two acres.[35] The Applicant proposes an exterior perimeter Setback greater than the minimum required along three of the four property lines. Three of the four property lines that bound the Five-Acre Site have frontage on public ROWs. The west property line is the only property line that directly adjoins a neighboring private property and Use. The proposed Setback from this property line is 40 feet, 2 inches, exceeding the required 25-foot Setback by 14 feet 10 inches. The Applicant states, "*landscaping and trees are being provided along the western edge of the parcel to buffer the building from the adjacent parcels.*"

[34] LMC § 15-2.20-4(B)
[35] LMC § 15-6-5(C)



Figure 21: Site plan with highlighted 40-foot Setback in yellow by staff, image provided by Brinshore Development.

4. **Increased Setbacks and separations from adjacent projects are proposed.**

   The Applicant states, "*The setback along the west edge of the project with directly adjacent development has been increased from the required 25 feet to 40 Feet.*"

   LMC § 15-6-5(C) requires a 25-foot Setback around the exterior boundary of an MPD for Parcels greater than two acres. The proposed western boundary and Setbacks along Kearns Boulevard and Bonanza Drive meet this criterion. The only neighboring private property and Use is the property that shares the western property line with the Five-Acre Site. The Applicant proposes a 40-foot Setback along this western boundary. The Setback measures approximately 51 feet from the Structure's closest point, along Kearns Boulevard to the north, and 29 feet from the Structure's closest point to Bonanza Drive to the south/east.

5. **The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible.**

The Applicant states, "*The project provides 62% open space, exceeding the 30% requirement. All open space is publicly accessible.*"

LMC § 15-6-5(D) requires a minimum of 30% Open Space for redevelopment of a previously developed site. LMC § 15-15-1 defines Open Space:

- Landscaped Open Space: Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.
- Natural Open Space: A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

Because the Five-Acre Site is a redevelopment project, Natural Open Space is not feasible; instead, the Applicant proposes Landscaped Open Space. To grant additional Building Height, the Planning Commission must find the project "results in more than the minimum Open Space required and results in Open Space that is publicly accessible."

The Applicant states, "*[l]andscaped and hardscaped open space totals 142,600 square feet, or 62% of the total area, exceeding the 30% open space requirement.*" All proposed Open Space areas will be available to the public. The proposal therefore meets this criterion.

6. **The additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, or the Design Guidelines for Park City's Historic Districts and Historic Sites if the Building is located within the Historic District.**

The Applicant states, "*The building heights incorporate varied roof transitions in compliance with Chapter 15- Architectural Review.*"

The first story of the six proposed Buildings that exceed the Zoning District comprises nearly 16 feet in height, and according to the Applicant, makes the commercial area more marketable to commercial tenants, while maintaining a sense of human scale and increasing pedestrian visibility into the commercial spaces.

The proposed façade lengths of the six Buildings with requested additional Building Height range from 147 feet to 191 feet. LMC § 15-5-8 requires Structures with façade lengths exceeding 120 feet on any façade to provide a prominent shift in the mass of the Structure at intervals of 120 feet or less. The

prominent shift must consist of a 15-foot shift in Building Façade alignment or a 15-foot shift in Building height. The Applicant is requesting to utilize a combination of both methods to achieve the total shift in Building mass. Within the 120-foot façade interval, the Applicant proposes to vary the massing of each Building through a change in Building height – using a 12:12 pitch gabled roof that increases the height of the Structure – and a concurrent shift in the façade depth. The Applicant submitted combined calculations of the façade length for:

Structure	***Building Length***	***Building Height Shift***	***Building Length Shift***	***Combined Façade Shift***
Building 1 (Figure 3)	188’	16’	4’	20’
Building 2 (Figure 4)	179’	11’	4’	15’
Building 3 (Figure 5)	147’	11’	4’	15’
Building 4 (Figure 6)	170’	11’	4’	15’
Building 5 (Figure 7)	159’	11’	4’	15’
Building 6 (Figure 8)	191’	11’	4’	15’

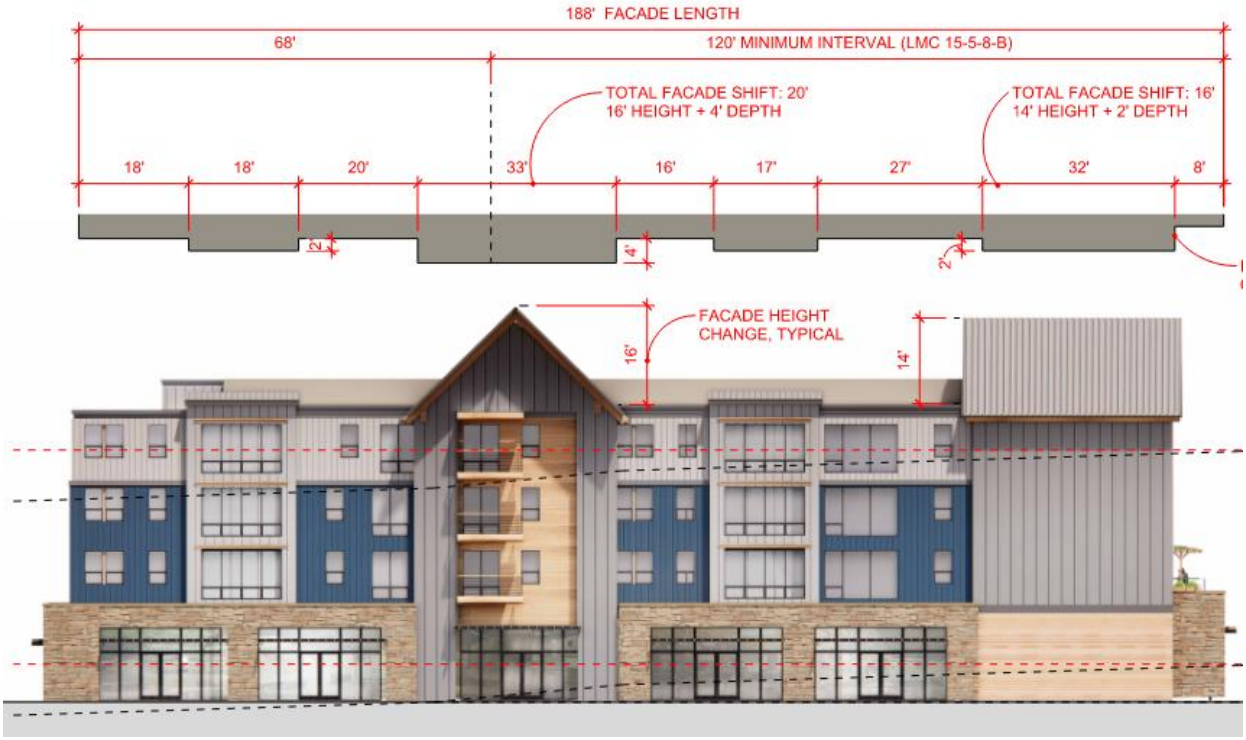


Figure 22: Building 1 illustrating combined shift in façade as viewed west, provided by Brinshore Development.

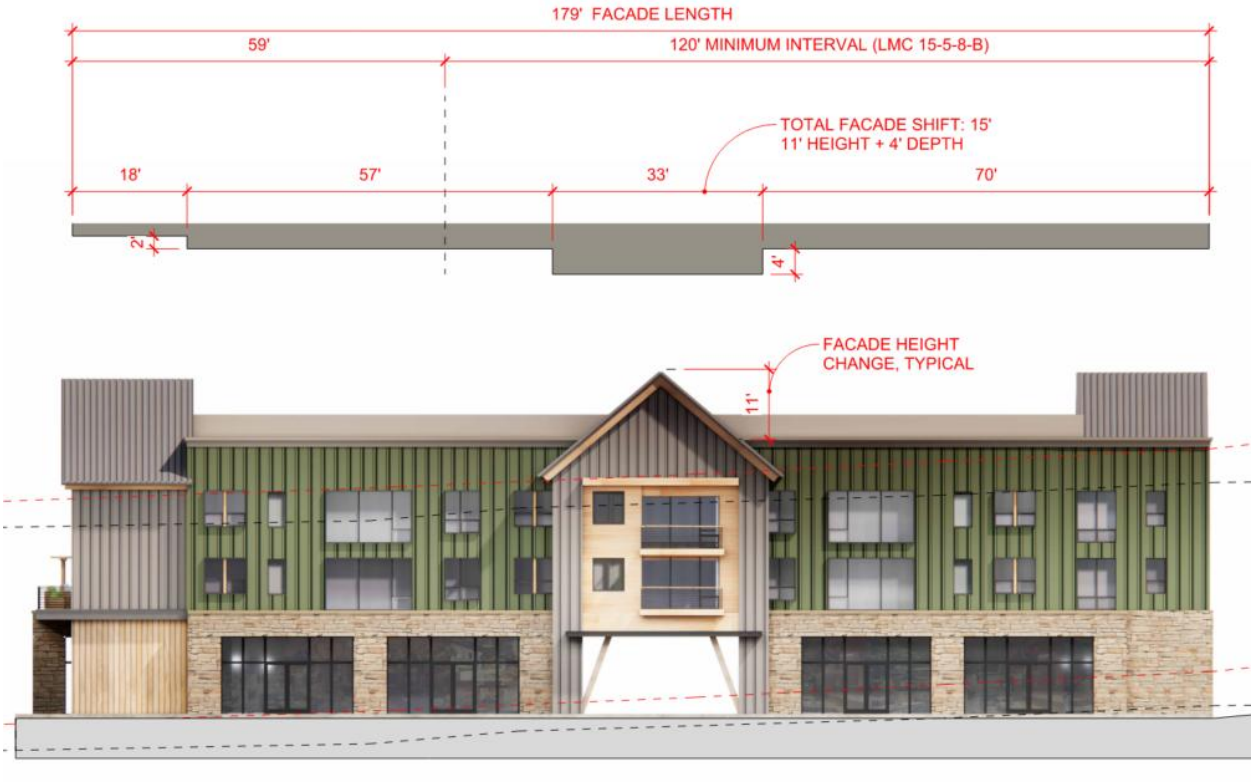


Figure 23: Building 2 illustrating combined shift in façade as viewed west, provided by Brinshore Development.

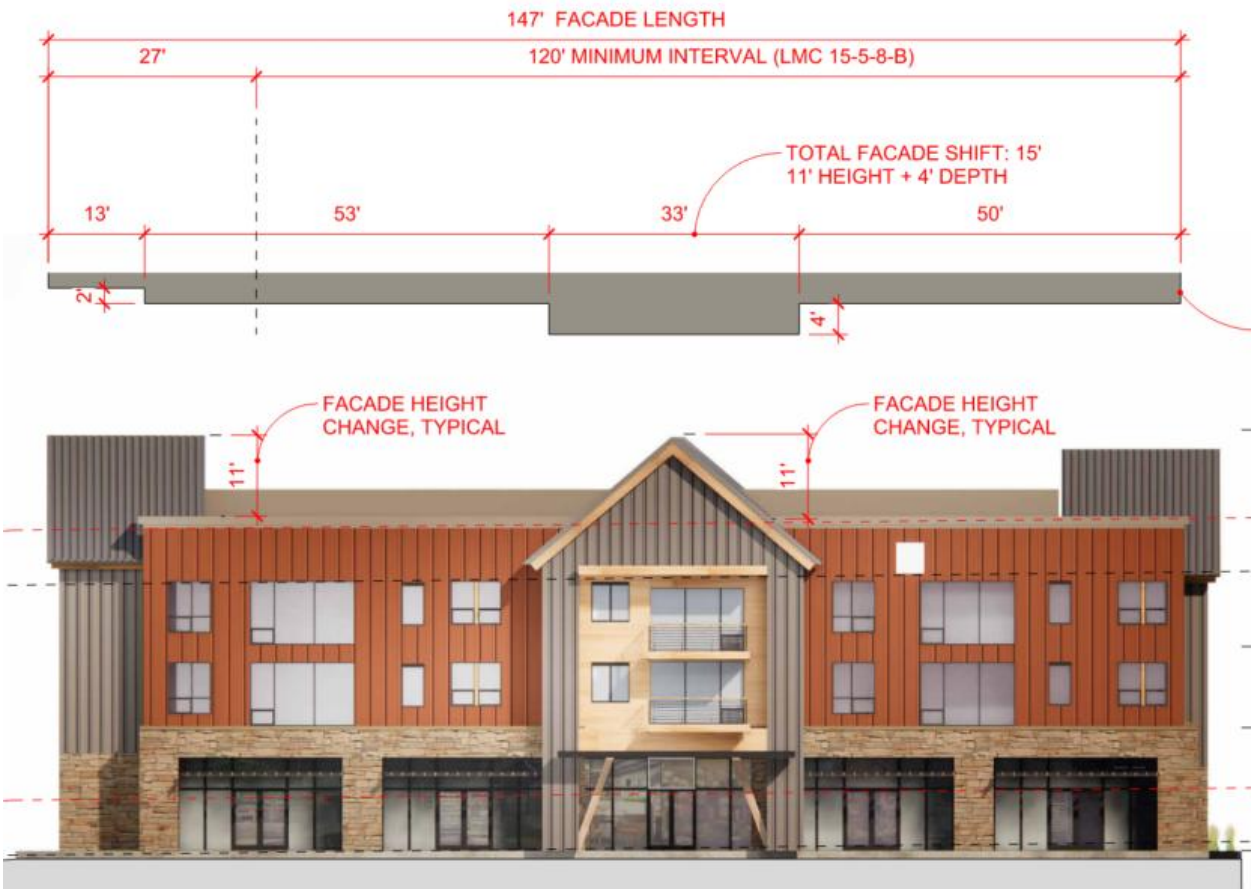


Figure 24: Building 3 illustrating combined shift in façade as viewed west, provided by Brinshore Development.



Figure 25: Building 4 illustrating combined shift in façade as viewed west, provided by Brinshore Development.

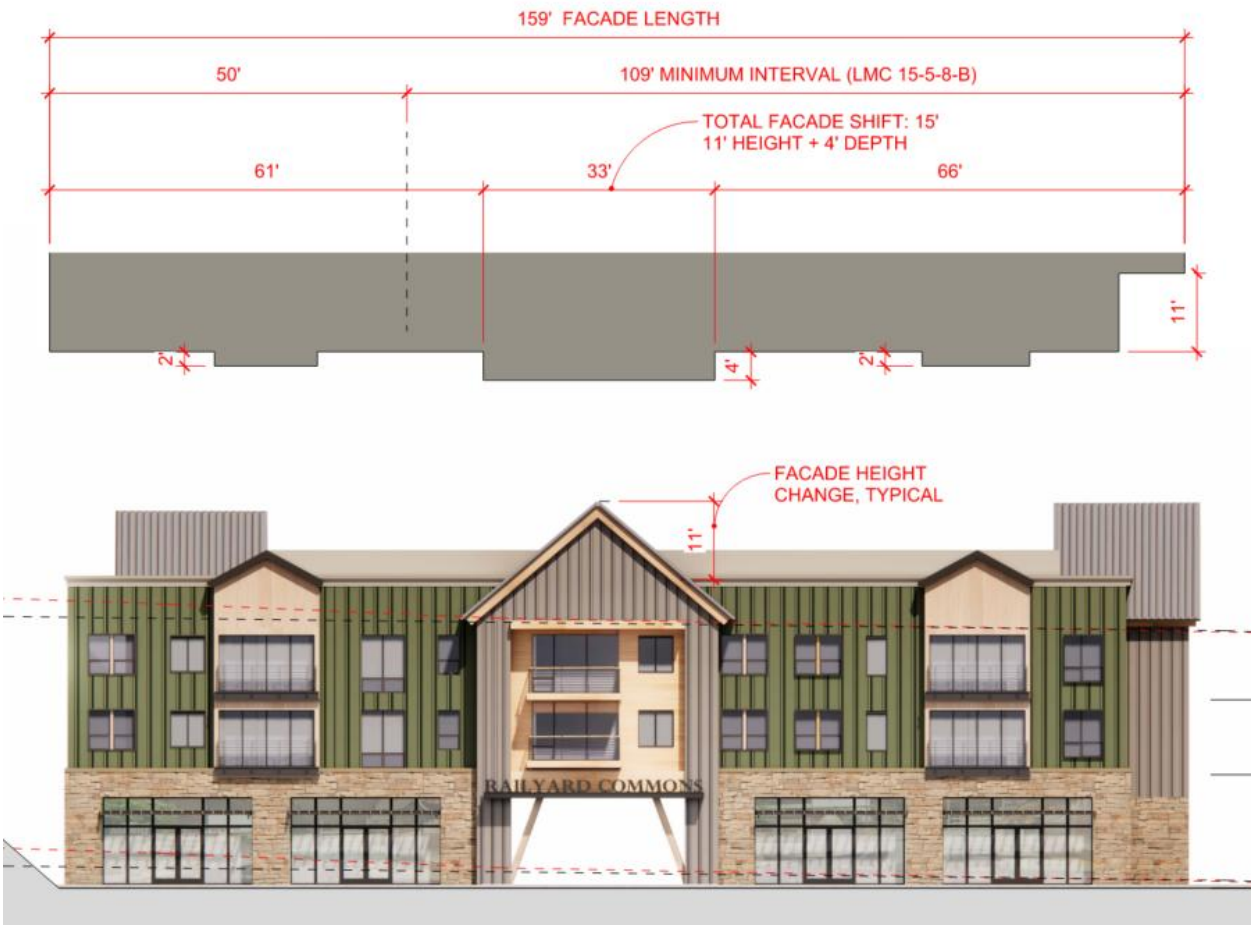


Figure 26: Building 5 illustrating combined shift in façade as viewed west, provided by Brinshore Development.

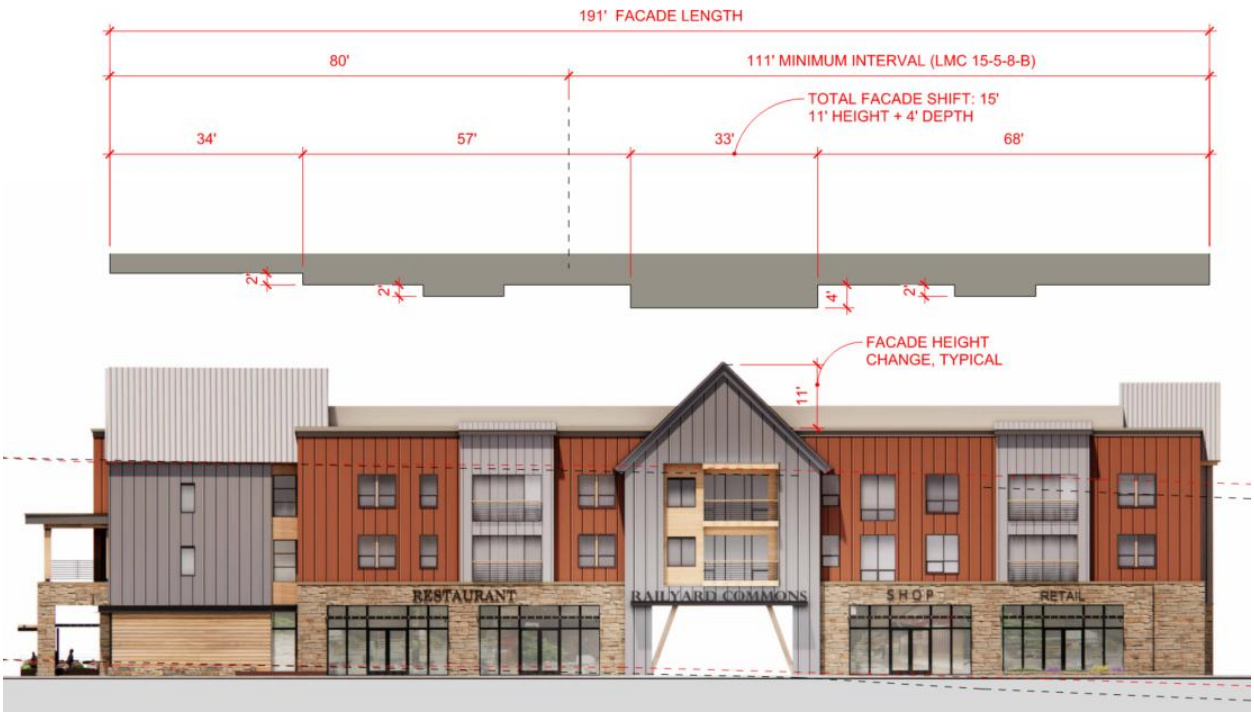


Figure 27: Building 6 illustrating combined shift in façade as viewed west, provided Brinshore Development.

Each of the six Buildings that exceed 120 feet of façade length are proposed to have a combined shift in massing of the height of the Building and façade depth of at least 15 feet.

Additionally, LMC § 15-5-5(C) requires simple architectural design that is compatible with Park City's architectural history. The proposed architectural style is simple in design and consistent with styling seen historically in the City while not imitating Historic Buildings.

LMC § 15-5-5(D) requires no more than three different kinds of exterior Building materials along a single façade. The Applicant proposes three exterior wall materials with varied application to the ground floor and upper floors. Stone masonry will be placed along most of the first-floor length. The Applicant continues to evaluate potential final materials with the Planning team.

Prefinished metal roofing is proposed on all seven Buildings. The roof form and material must be non-reflective and with a neutral tone.[36] The proposed gabled roof form is allowed.[37] The proposed window style and material are appropriate and meet the regulations of the Architectural Guidelines.[38]

Does the Planning Commission need additional information to evaluate the Applicant's request for additional Building Height?

[36] LMC § 15-5-5(E)
[37] LMC § 15-5-5(F)
[38] LMC § 15-5-5(I)

(VIII) The Applicant proposes to provide more parking than is required by the Land Management Code within an underground parking structure.

LMC § 15-3-6 outlines parking requirements for residential and non-residential Uses:

Use	Code Requirement	Proposal	Number of Required Spaces
Residential Uses			
Apartment ≤1,000 sq ft	1 space / unit	82 units	82
Apartment >1,000 and <2,000 sq ft	1.5 spaces / unit	24 units	36
		SUBTOTAL:	118
Non-Residential Uses			
Child Care Center	1 per on-shift employee	4 on-shift employees	4
Resident Leasing Office	3 spaces / 1,000 sq ft	2,188 sq ft	6.56
Non-Profit Arts Spaces	1 space / 1,000 sq ft	8,080 sq ft	8.08
Retail	3 spaces / 1,000 sq ft	10,251 sq ft	30.71
Café	3 spaces / 1,000 sq ft	2,220 sq ft	6.6
Restaurant	1 space / 100 sq ft	3,360 sq ft	33.6
		SUBTOTAL:	89.55
		TOTAL REQUIRED PARKING:	208
		PROPOSED PARKING:	**280*** (+72)

NOTE
*The project includes 280 parking spaces in an underground garage. An additional nine surface parking spaces are proposed adjacent to Munchkin Road. Because they require backing onto an adjacent roadway, these spaces do not comply with LMC § 15-3-3(G) and are not included in this analysis.

The Applicant proposes 280 parking spaces, 72 more than required by the LMC, all within an underground parking structure. Nine additional surface parking spaces are provided at the south end of the site adjacent to Munchkin Road. The proposed Development is a mixed-use project along major transit corridors. Due to varied peak parking demands and internal trips captured, there may be considerations for reduced parking.

General Plan Strategy 3D calls for the City to "[s]trengthen policies that reduce reliance on single-occupancy vehicles by requiring and incentivizing multimodal transportation through planning, development, and transportation initiatives."

An action supporting this strategy states "[c]ontinue developing clear policies for new developments, resorts, and major employers to integrate trip reduction strategies, establish mode-shift targets, and **reduce parking** through formal City mechanisms" (emphasis added).

The Bonanza Park Small Area Plan calls for a user-friendly neighborhood through the implementation of key recommendations, including "[c]reate a vibrant pedestrian-oriented neighborhood by restricting autocentric uses, lowering parking minimums, and incentivizing underground parking structures."

A strategy supporting this goal states "[s]ignificantly lower parking minimums for all shared uses. Lower required parking minimums for mixed use developments, boutique hotels, complementary uses in a single development, or when in close proximity to transit."

An underground parking structure supports the goal of creating a pedestrian-oriented neighborhood. However, the proposed increase in parking well above the minimum parking requirement could conflict with neighborhood and Citywide goals to reduce trips in single-occupancy vehicles.

The Applicant provided a narrative in support of the requested increase in parking (Exhibit C). While the LMC does not currently prohibit a developer from providing more than the required number of parking spaces, the General Plan calls for the City to replace minimum parking requirements with maximum parking allowances.[39]

One consideration of excess parking may be to provide shared parking with other sites in the neighborhood, but this needs to be carefully evaluated in coordination with the TIS because of the Five-Acre Site's proximity to an already congested intersection.

Staff recommends the Applicant submit a Parking analysis to support the Planning Commission's review of the proposed additional parking. LMC § 15-6-5(E)(1) includes the minimum requirements for a Parking analysis:

- The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- A Parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy Parking.
- Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.
- An analysis of time periods of Use for each of the Uses in the project and opportunities for shared parking by different Uses.
- A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.
- Provisions for overflow Parking during peak periods.

[39] General Plan Strategy 4A

This analysis will help supplement the Planning Commission's review of the Traffic Impact Study on July 8, 2026.

Does the Planning Commission require additional information to evaluate the Applicant's proposal for additional parking beyond the requirements of the Land Management Code?

In addition to what has been identified in this report, is there additional information needed for the Planning Commission's review of the proposed project?

Background

On March 4, 2025, the City Council posted a Request for Proposals (RFP) for redevelopment of the City-owned Five-Acre Site with a vibrant, locally focused mixed-use project. The Council awarded the RFP to Brinshore Development. See the July 10, 2025, City Council Meeting for additional information (Meeting Packet, Item IV.5).

Brinshore Development facilitated several meetings with the City Council to discuss design and strategy preferences for redevelopment of the Five-Acre Site:

- August 25, 2025 (Meeting Packet, Item II.1; Minutes, p. 1)
- September 5, 2025 (Meeting Packet, Item II.1; Minutes, p. 1)
- September 24, 2025 (Meeting Packet, Item II.1; Minutes, p. 1)
- October 13, 2025 (Meeting Packet, Item II.1; Minutes, p. 1)
- October 23, 2025 (Meeting Packet, Item VI.2; Minutes, p. 10)
- November 6, 2025 (Meeting Packet, Item VII.3; Minutes, p. 20)

On March 19, 2026, the City Council voted 4-1 to authorize Brinshore Development to submit applications to the Planning Commission for redevelopment of the Five-Acre Site (Meeting Packet, Item VII.1; Minutes, p. 7).

On May 4 and 5, 2026, Brinshore Development submitted MPD, Subdivision, and CUP applications for Planning Commission review.

Department Review

The Planning Department, Executive Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on June 9, 2026. Staff mailed courtesy notice to property owners within 300 feet on June 10, 2026. The *Park Record* published courtesy notice on June 10, 2026.[40]

[40] LMC § 15-1-21

Public Input

Public input is attached as Exhibit E.

Exhibits

A: Five-Acre Site Redevelopment Plan Set
B: Applicant’s Narrative Regarding Building Height
C: Applicant’s Narrative Regarding Parking
D: Solar Study
E: Public Input



SHEET INDEX	
SHEET NUMBER	SHEET TITLE
RD-000	COVER SHEET
C100	EXISTING CONDITIONS & TOPOGRAPHY
C101	EXISTING UTILITIES
C102	NEIGHBORHOOD CONTEXT EXHIBIT
C200	OVERALL SITE PLAN
C201	OVERALL GRADING PLAN
C202	OVERALL UTILITY PLAN
C203	UNDERGROUND PAERKING GARAGE PLAN
C204	SNOW STORAGE PLAN
C205	SITE CIRCULATION PLAN
RD-001	LANDSCAPE PLAN
RD-002	ARCHITECTURAL SITE PLAN
RD-003	AFFORDABLE HOUSING MITIGATION PLAN
RD-004	OPEN SPACE DATA
RD-005	VEHICLE AND BICYCLE PARKING DATA
RD-006	BUILDING HEIGHT ANALYSIS - SITE PLAN
RD-007	DEVELOPMENT DENSITY POTENTIAL
RD-008	BUILDING HEIGHT AND FAÇADE ANALYSIS
SD.1.01	BUILDING 1 PLANS AND ELEVATIONS
SD.2.01	BUILDING 2 PLANS AND ELEVATIONS
SD.3.01	BUILDING 3 PLANS AND ELEVATIONS
SD.4.01	BUILDING 4 PLANS AND ELEVATIONS
SD.5.01	BUILDING 5 PLANS AND ELEVATIONS
SD.6.01	BUILDING 6 PLANS AND ELEVATIONS
SD.7.01	BUILDING 7 PLANS AND ELEVATIONS

5-Acre Site at Bonanza Park Redevelopment

MPD + CUP - 2026 / 04 / 30







method studio
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salt lake city, utah 84101
801 532 4422

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project:

5-Acre Site at Bonanza Park Redevelopment

Bonanza-Kearns-Munchkin
Park City, UT

project#: 25.0355
date: 2026 / 04 / 30
revisions :

title:

Cover Sheet

sheet:

RD-000

MPD + CUP

5/1/2026 1:21:58 PM Autodesk Docs://MPMU Sandbox - J.Jennings/25.0355 Bonanza Garage.rvt

EMPORIUM
1351 KEARNS BLVD

COMPARK PLAZA
1950 WOODBINE WAY

PARK CITY
CEMETERY

KEARNS BLVD (SR-248)

PCMR/VAIL
1375 MUNCHKIN ROAD

MUNCHKIN ROAD

BONANZA DRIVE

1635 BONANZA
DRIVE
EXISTING
BUILDING

PROSPECTOR SQUARE
LOT 45 RESUB.

PROSPECTOR SQUARE
LOT 1

PROSPECTOR AVE

NEIGHBORING BUILDING

CONCRETE STEPS TO NEIGHBORING BUILDING

CONCRETE CURB

CONCRETE CURB & GUTTER

EXISTING WALL

ASPHALT PARKING LOT

DECIDUOUS TREE

EVERGREEN TREE

CONCRETE SIDEWALK

CONCRETE WALL

CONCRETE STEPS

CONCRETE FOUNDATION

HI-BACK CURB

HI-BACK CURB & GUTTER

EDGE OF ASPHALT

PROPERTY LINE

CONCRETE DRIVEWAY

EXISTING DRIVEWAY

SIGN

ROLL GUTTER

CONCRETE PAD

ASPHALT PAVING

CONCRETE SIDEWALK

CONCRETE STEPS

GAS PUMP ISLAND

TRAFFIC SIGNAL POST

OLYMPIC ART SCULPTURE

NORTH
30' 0 30' 60'

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EXISTING CONDITIONS & TOPOGRAPHY

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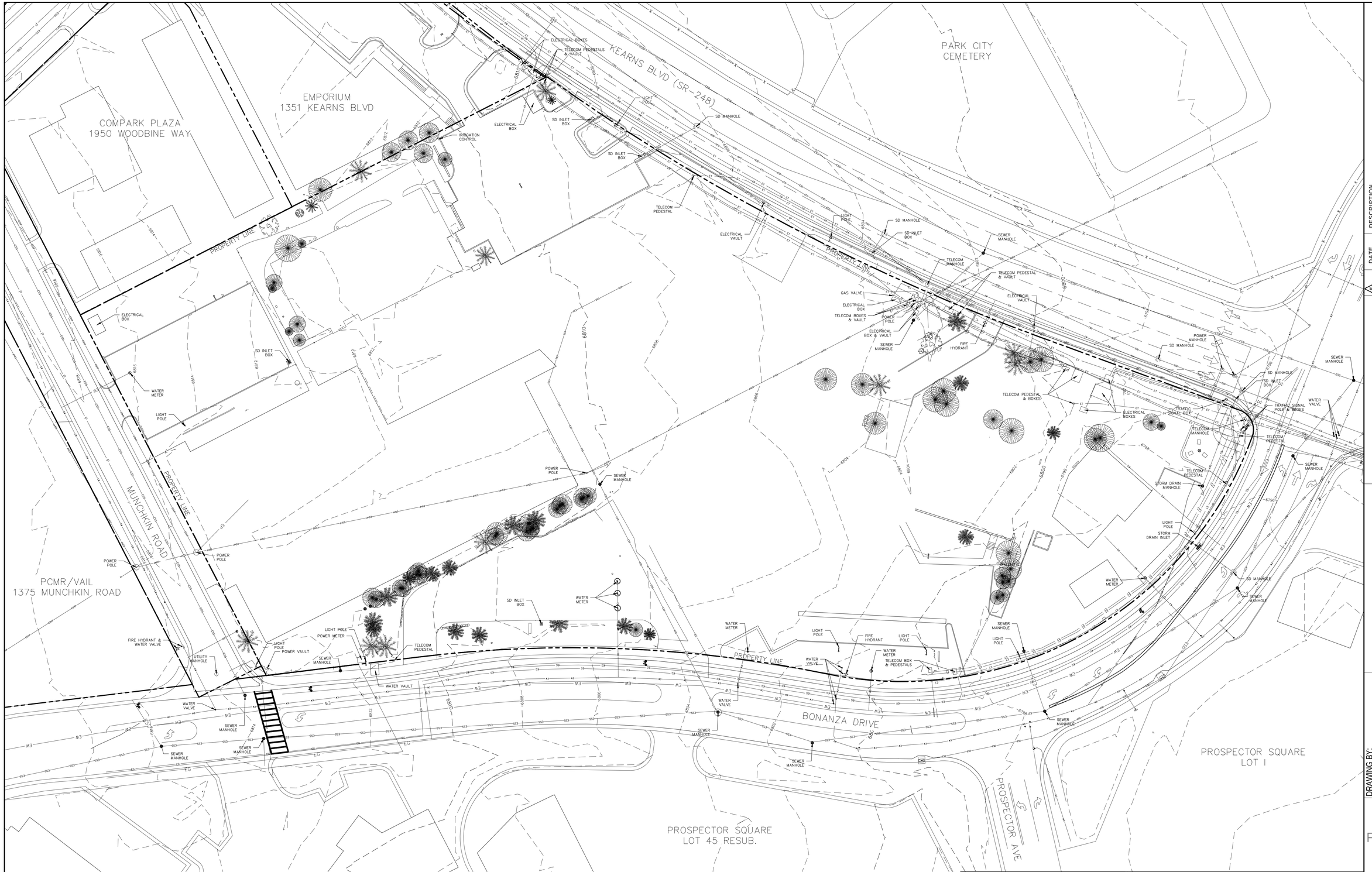
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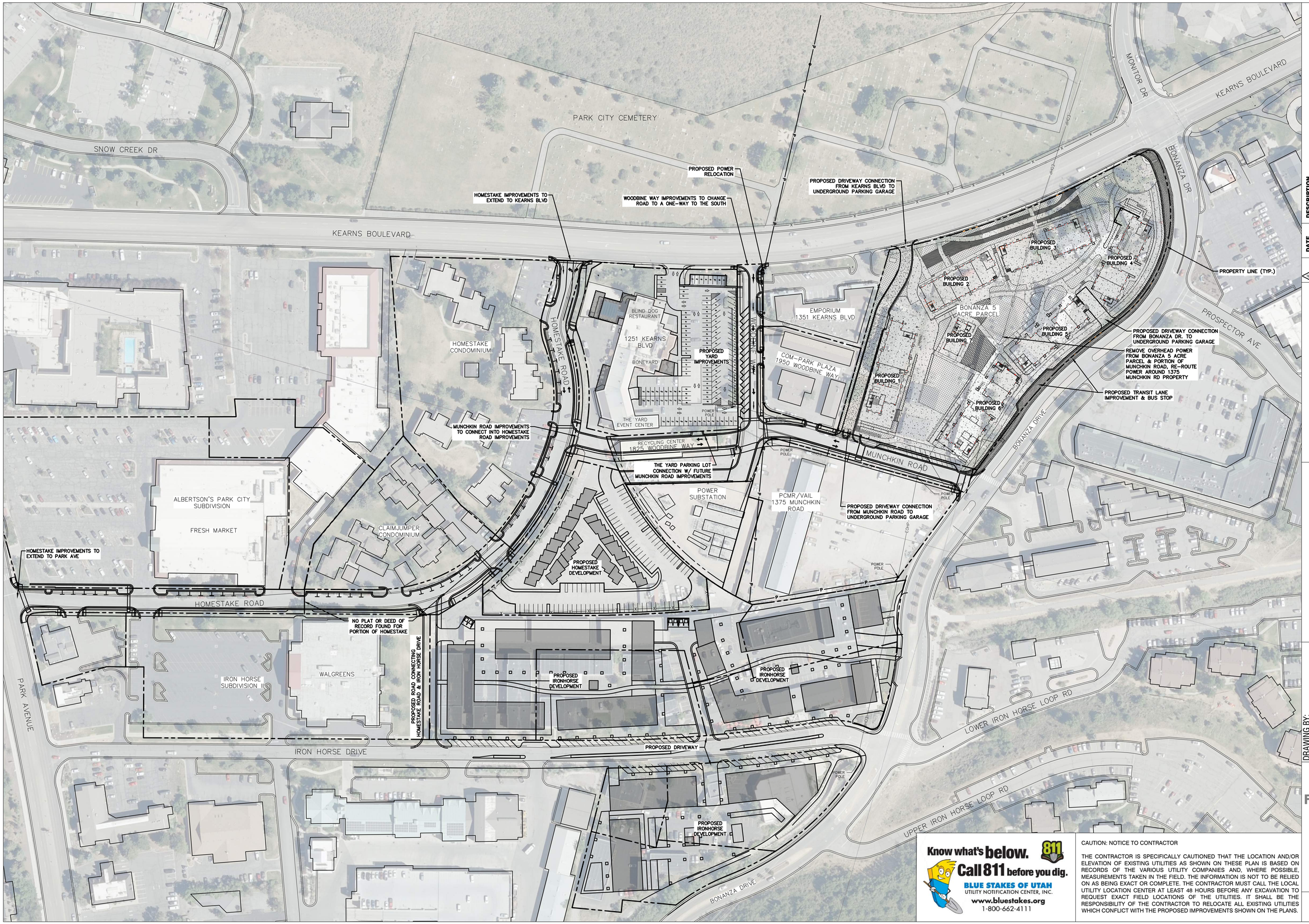
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NEIGHBORHOOD CONTEXT EXHIBIT

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PARK CITY CEMETERY

EMPORIUM
1351 KEARNS BLVD

COMPARK PLAZA
1950 WOODBINE WAY

KEARNS BLVD (SR-248)

PROPOSED 15' WIDE MULTI-USE TRAIL

INSTALL 24" CONCRETE ROLL GUTTER

INSTALL 6" CONCRETE CURB

PROPOSED UNDERGROUND PARKING GARAGE ENTRANCE

INSTALL 281LF CONCRETE RETAINING WALL H=16' MAX

INSTALL 6" CONCRETE CURB

PROPERTY LINE

PROPOSED 24' WIDE DRIVEWAY

BLDG 1
6812.00 FF

INSTALL 24" CONCRETE ROLL GUTTER

BLDG 2
6809.50 FF

PROPOSED 26' WIDE EMERGENCY VEHICLE ACCESS ROUTE

SAVE & PROTECT EXISTING CONCRETE CURB & GUTTER

PROPOSED 10' WIDE MULTI-USE TRAIL

PROPOSED 5' WIDE SIDEWALK

CONNECT NEW HIGHBACK CURB & GUTTER INTO EXISTING

PROPOSED 26' WIDE EMERGENCY VEHICLE ACCESS ROUTE

BLDG 7
6810.50 FF

UP DN

BLDG 3
6806.00 FF

PROPOSED LANDSCAPE AREA (TYP.)

PROPOSED DROP OFF AREA

PROPOSED AMPHITHEATER LAWN

PROPOSED PLAYGROUND AREA (TYP.)

PROPOSED LANDSCAPE AREA (TYP.)

PROPOSED SIDEWALK (TYP.)

PROPOSED PLAZA

PROPOSED PLAZA

MUNCHKIN ROAD

PROPERTY LINE

BLDG 6
6812.00 FF

BLDG 5
6805.00 FF

PROPOSED UNDERGROUND PARKING GARAGE ENTRANCE

BLDG 4 6800.00 FF

PROPOSED 15' WIDE MULTI-USE TRAIL

PROPOSED WIDENING OF BONANZA DRIVE TO ACCOMMODATE BUS TRANSIT LANE

INSTALL 30" CONCRETE HIGHBACK CURB & GUTTER

PCMR/VAIL
1375 MUNCHKIN ROAD

PROPOSED DIAGONAL PARKING STALLS L=23', W=9'

PROPOSED 15' WIDE MULTI-USE TRAIL

PROPERTY LINE

PROPOSED BUS STOP LOCATION

INSTALL 30" CONCRETE HIGHBACK CURB & GUTTER

PROPOSED WIDENING OF BONANZA DRIVE TO ACCOMMODATE BUS TRANSIT LANE

BONANZA DRIVE

PROSPECTOR SQUARE
LOT I

PROSPECTOR AVE

PROSPECTOR SQUARE
LOT 45 RESUB.

30' 0 30' 60'
NORTH

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OVERALL SITE PLAN

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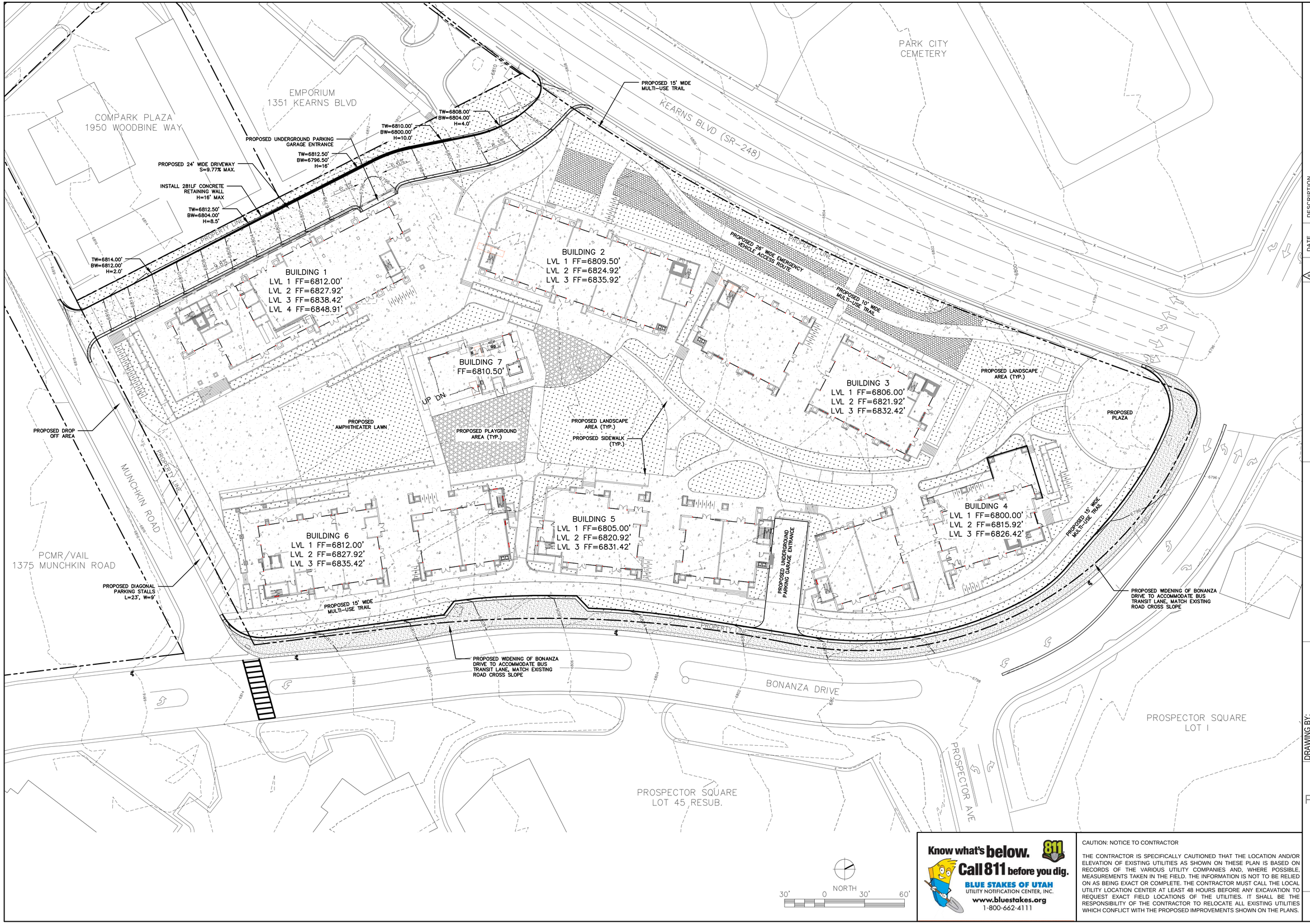
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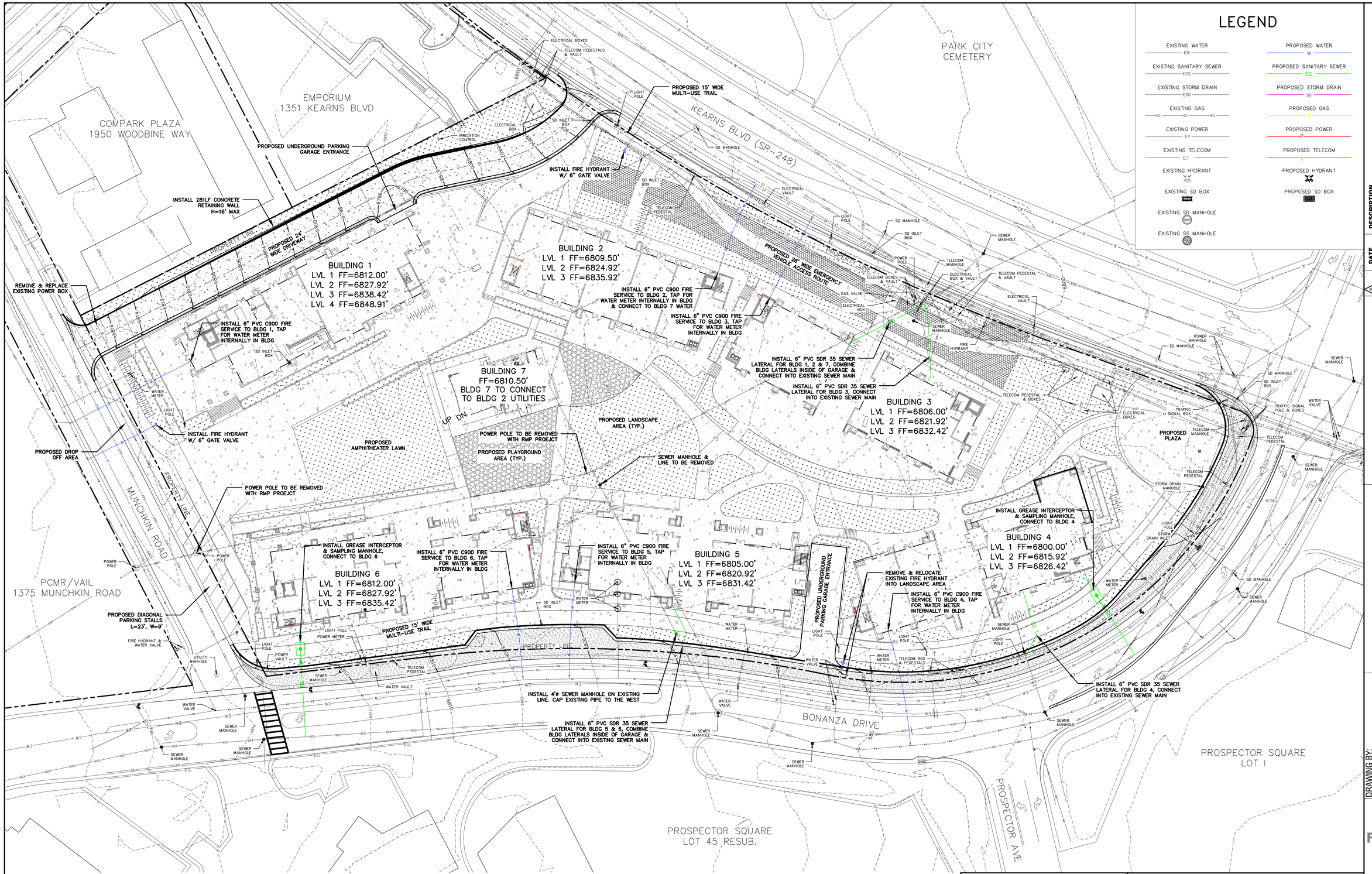
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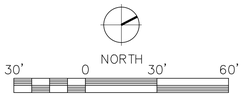
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LEGEND

EXISTING WATER — EW	PROPOSED WATER — W
EXISTING SANITARY SEWER — ESS	PROPOSED SANITARY SEWER — SS
EXISTING STORM DRAIN — ESD	PROPOSED STORM DRAIN — SD
EXISTING GAS — EG — EG — EG	PROPOSED GAS — G
EXISTING POWER — EP	PROPOSED POWER — P
EXISTING TELECOM — ET	PROPOSED TELECOM — T
EXISTING HYDRANT	PROPOSED HYDRANT
EXISTING SD BOX	PROPOSED SD BOX
EXISTING SD MANHOLE	
EXISTING SS MANHOLE	



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UNDERGROUND PARKING
GARAGE PLAN

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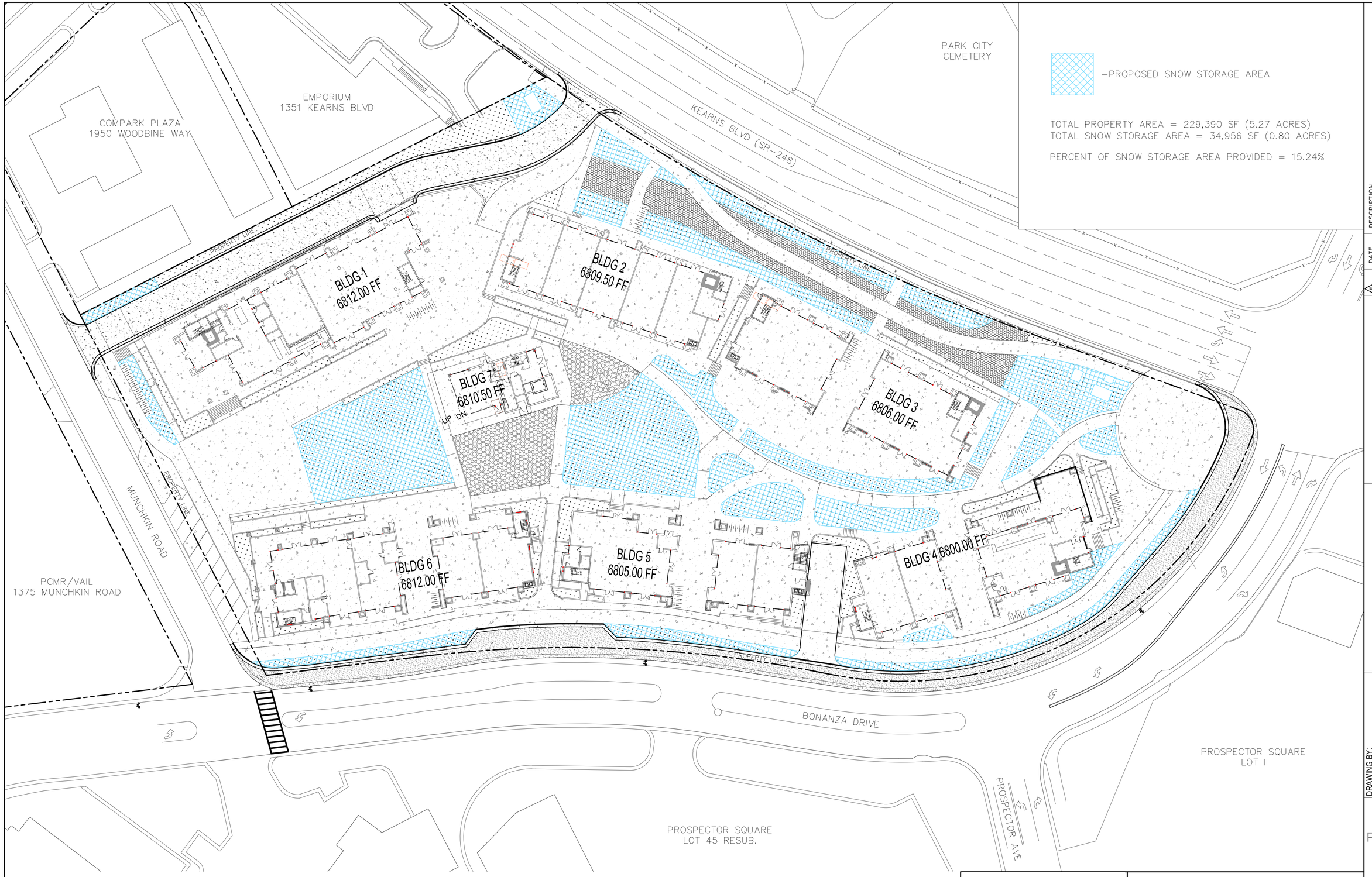
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–PROPOSED SNOW STORAGE AREA

TOTAL PROPERTY AREA = 229,390 SF (5.27 ACRES)
TOTAL SNOW STORAGE AREA = 34,956 SF (0.80 ACRES)

PERCENT OF SNOW STORAGE AREA PROVIDED = 15.24%

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SNOW STORAGE PLAN

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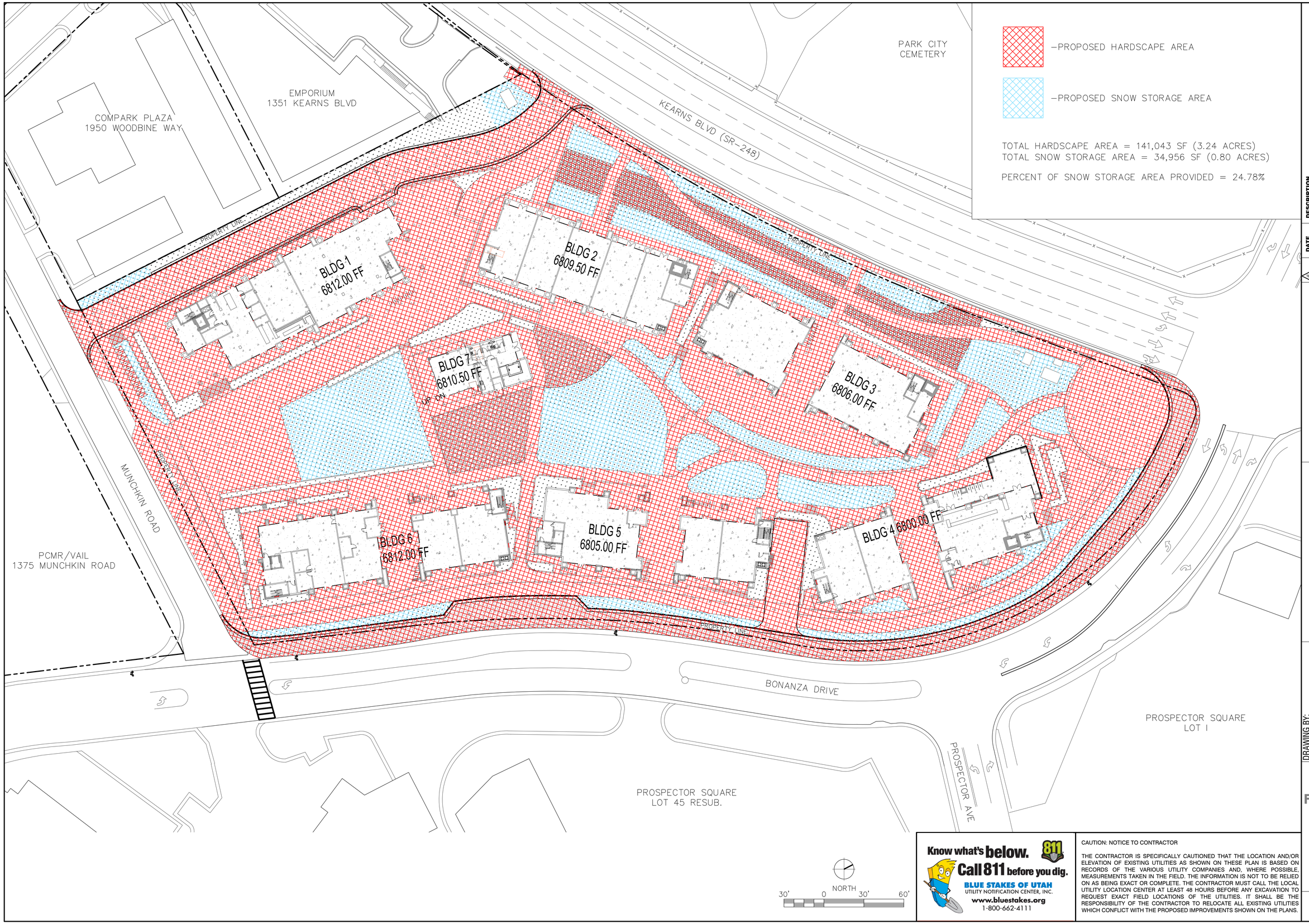
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DESIGNED BY:
CHECKED BY:
04/30/26
PROJECT No.: 08-07-25

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1-800-662-4111

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DESCRIPTION	DATE

SNOW STORAGE PLAN

BONANZA 5-ACRE SITE
1635 BONANZA DR, PARK CITY, UT

ALLIANCE ENGINEERING
P.O. BOX 2984 | 2700 W. HOMESTEAD RD. STE 50,
PARK CITY, UT 84098 | 435-649-9467

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CD			08-07-25

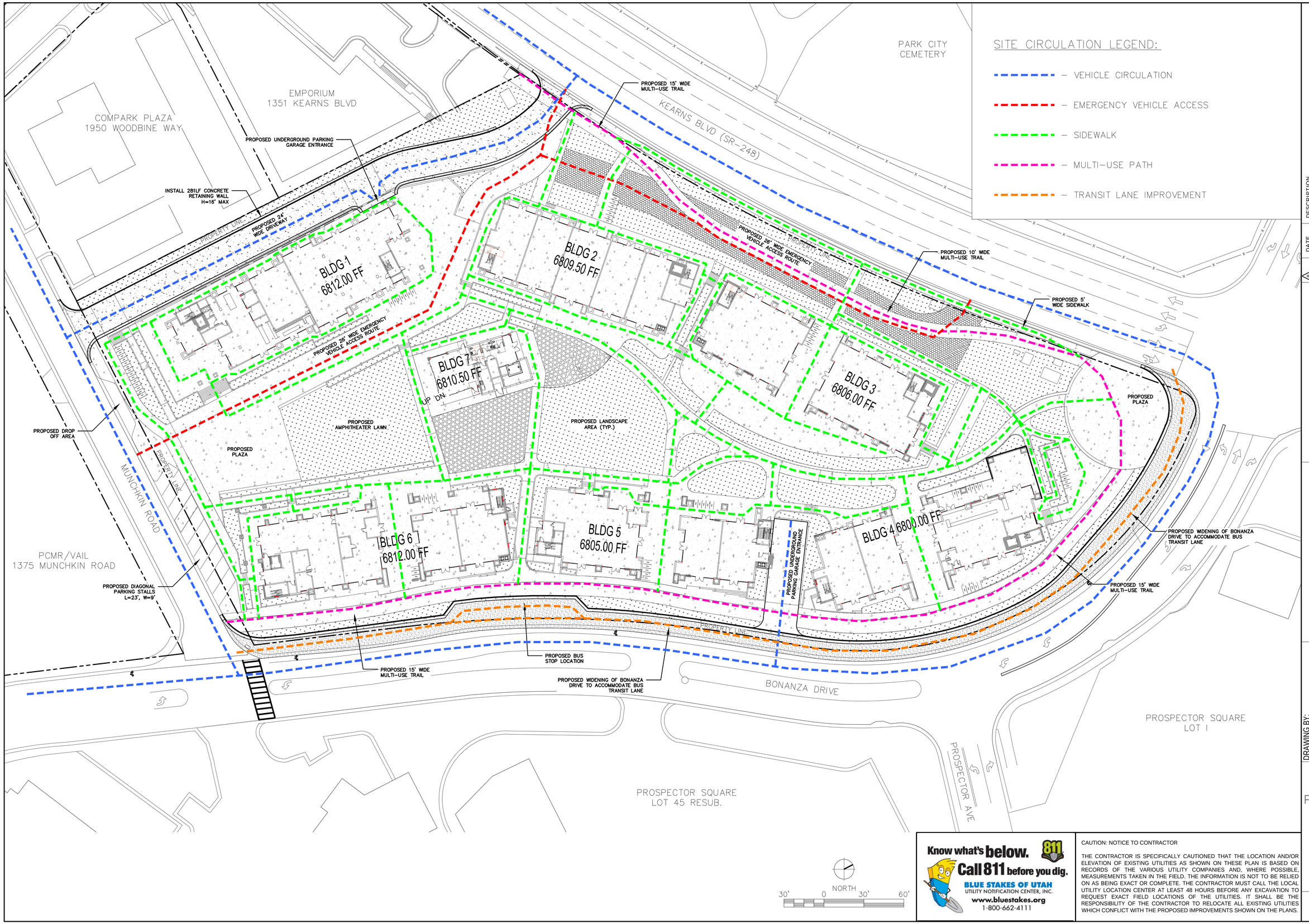
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DESCRIPTION	DATE
1	

SITE CIRCULATION PLAN

BONANZA 5-ACRE SITE
1635 BONANZA DR, PARK CITY, UT

ALLIANCE ENGINEERING
P.O. BOX 2664 | 2700 W. HOMESTEAD RD. STE 50.
PARK CITY, UT 84098 | 435-649-9467

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project:

5-Acre Site at Bonanza Park Redevelopment

Bonanza-Kearns-Munchkin
Park City, UT

project#: 25.0355
date: 2026 / 04 / 29
revisions :

title:

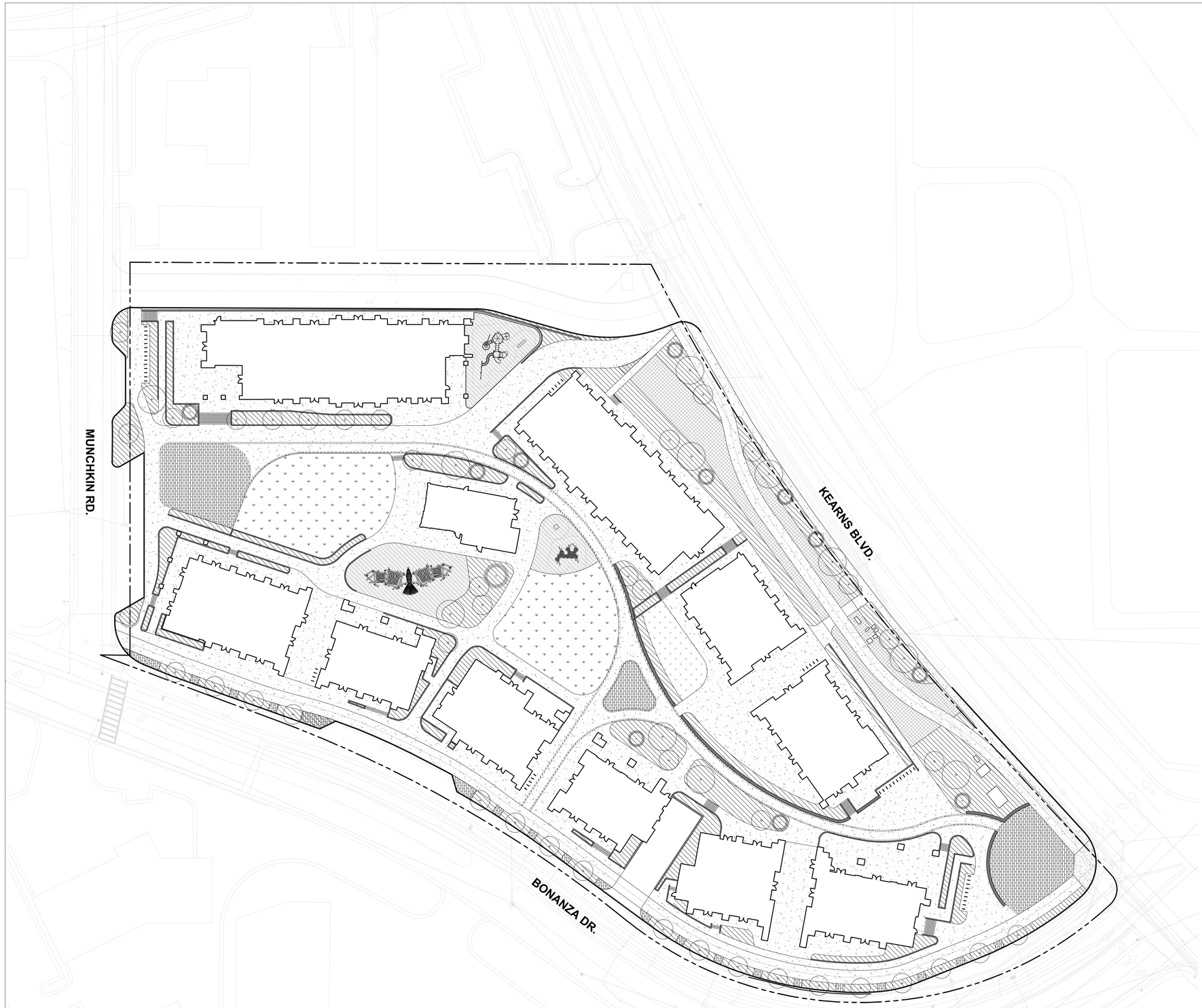
Color Landscape Plan

sheet:

RD-001

MPD + CUP

4/29/2026 5:29:44 PM Autodesk Docs://MPMJ Sandbox - Jdenning/25.0355 Bonanza Garage.rvt



SITE MATERIALS LEGEND

- CIP CONCRETE
- UNIT PAVERS
- PLAY SURFACING
- CIP CONCRETE STEPS
- CIP CONCRETE WALL
- CIP CONCRETE SEAT WALL
- GRASS PAVERS
- ARTIFICIAL TURF
- PLAY EQUIPMENT
- BIKE RACKS

SITE PLANTING LEGEND

- SHRUBS, GRASSES, PERENNIALS, & GROUNDCOVERS
- GRASS
- EVERGREEN TREE
- DECIDUOUS TREE

NORTH 0 15' 30' 60'
ORIGINAL SCALE: 1"=30'-00"

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project:

5-Acre Site at Bonanza Park Redevelopment

Bonanza-Kearns-Munchkin
Park City, UT

project#: 25.0355
date: 2026 / 04 / 29
revisions :

title:

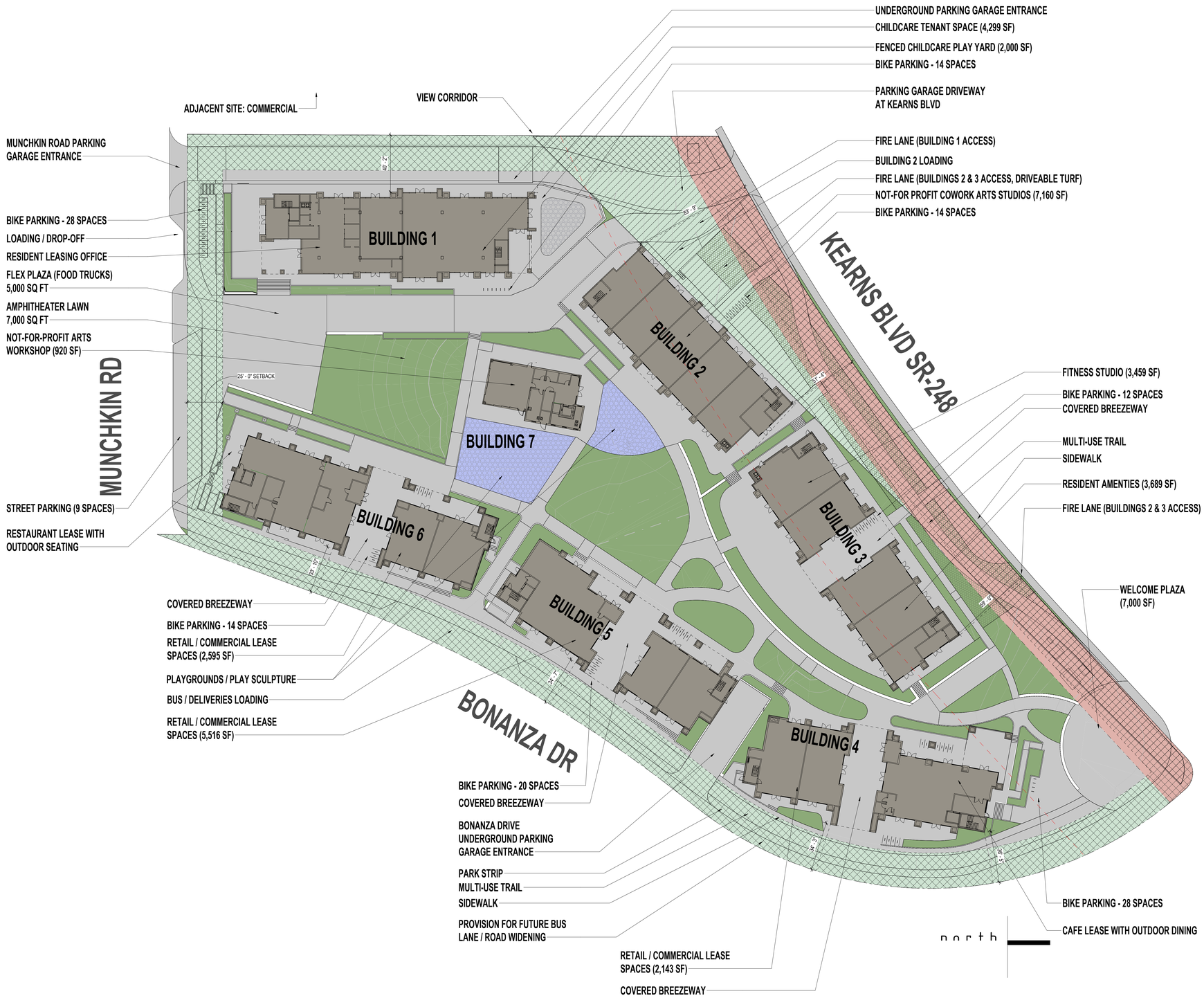
Landscape Plan

sheet:

RD-002

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1 SITE PLAN - ARCHITECTURAL
1" = 30'-0"

Bonanza 5-Acre Site Building Use Area

SITE AREA: 5.27 ACRES

	Ground Floor Non-residential leaseable area (SF)	Ground floor residential amenity area (SF)	Residential Area (NLA) (SF)
Building 1	6,488	1,249	20,402
Building 2	7,160		12,009
Building 3	3,459	3,689	14,185
Building 4	4,343		12,882
Building 5	5,516		14,025
Building 6	4,695		14,806
Building 7	920		
Total:	32,581	4,938	88,309

ZONING REQUIREMENTS

LMC 15-6-5(C) MPD 25'-0" SETBACK FOR SITES > 2 ACRES

LMC 15-2.20-4(B.) FPZ 100 FT - DEPTH SETBACK REQUIRING CONDITIONAL USE PERMIT PER §15-1-10

LMC 15-2.18-3(A.) FRONT SETBACK AT FPZ: 30 FT DEPTH LANDSCAPE BUFFER
LMC 15-2.20-4(A.) FPZ 30 FT- DEPTH SETBACK - STRUCTURES NOT PERMITTED

ZONING: GC
FRONTAGE PROTECTION OVERLAY ZONE (FPZ): SR 248 / KEARNS BLVD
BUILDING HEIGHT:
15-2.18-4 BUILDING HEIGHT: 35 FT MAX.
15-2.18-4(A)(1) 40 FT MAX. AT GABLE.
15-2.18-4(A)(3) 40 FT MAX. AT MECHANICAL SCREENING.
15-2.18-4(A)(5) 43 FT MAX. AT ELEVATOR PENTHOUSE.

ARCHITECTURAL REVIEW: PER §15-5
15-5-5(D) NUMBER OF EXTERIOR WALL MATERIALS:
MAX (3) MATERIALS PER BUILDING*
*TRIM IS NOT COUNTED IF LESS THAN 10%
5-5-5(E) ROOFING MATERIALS:
PROVIDE NEUTRAL ROOFING COLOR

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project:

5-Acre Site at Bonanza Park Redevelopment

Bonanza-Kearns-Munchkin
Park City, UT

project#: 25.0355
date: 2026 / 04 / 30
revisions :

title:

Site Plan - Architectural

sheet:

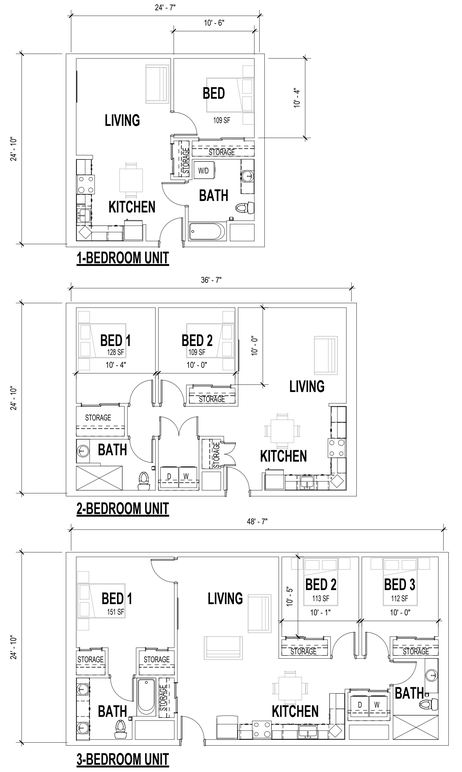
RD-002

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1 SITE PLAN - AFFORDABLE HOUSING
1" = 30'-0"



2 UNIT PLANS
1/8" = 1'-0"

AFFORDABLE AND MARKET-RATE UNITS WILL BE DISPERSED THROUGHOUT EACH BUILDING TO ENSURE A FULLY MIXED-INCOME COMMUNITY, AND AS ALLOWED BY LOW-INCOME HOUSING TAX CREDIT RULES, AFFORDABLE UNIT LOCATIONS WILL LIKELY FLOAT RATHER THAN BEING DESIGNATED TO PARTICULAR UNITS TO ALLOW FLEXIBILITY.

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project:
5-Acre Site at Bonanza Park Redevelopment

Bonanza-Kearns-Munchkin
Park City, UT

project#: 25.0355
date: 2026 / 04 / 30
revisions :

title:
Site Plan - Affordable Housing

sheet:
RD-003
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SITE LEGEND

PROPERTY LINE
229,390 sf (5.27 Acres)

OPEN SPACE AREA
142,600 SF (62%)

north

A1 ARCHITECTURAL SITE PLAN - OPEN SPACE AREA
1" = 30'-0"

4/30/2026 6:30:18 PM Autodesk Docs://MFMU Sandbox - Jennings/20.0355 Bonanza Garage.rvt

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project:

5-Acre Site at Bonanza Park Redevelopment

Bonanza-Kearns-Munchkin
Park City, UT

project#: 25.0355
date: 2026 / 04 / 30
revisions :

title:

Site Plan - Open Space Data

sheet:

RD-004

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*AS THIS IS A MASTER PLANNED DEVELOPMENT, THE PARKING RATIO IS DETERMINED BY PLANNING COMMISSION BASED ON THE PROPOSED USES. THE FOLLOWING RATIOS ARE FOR REFERENCE ONLY:

BASED ON THE FOLLOWING PARKING RATIOS, REQUIRED PARKING FOR THE BUILDINGS ARE 256 SPACES

PARKING RATIO REQUIREMENTS (LMC 15-3-6):

MULTI-UNIT DWELLINGS:

BUILDING 1
UNITS <1,000 SF: 18 = 18 SPACES REQUIRED
UNITS > 1,000 SF: 6 = 9 SPACES REQUIRED

BUILDING 2
UNITS <1,000 SF: 6 = 6 SPACES REQUIRED
UNITS > 1,000 SF: 6 = 9 SPACES REQUIRED

BUILDING 3
UNITS <1,000 SF: 12 = 12 SPACES REQUIRED
UNITS > 1,000 SF: 4 = 6 SPACES REQUIRED

BUILDING 4
UNITS <1,000 SF: 18 = 18 SPACES REQUIRED
UNITS > 1,000 SF: 0 = 0 SPACES REQUIRED

BUILDING 5
UNITS <1,000 SF: 18 = 18 SPACES REQUIRED
UNITS > 1,000 SF: 2 = 3 SPACES REQUIRED

BUILDING 6
UNITS <1,000 SF: 10 = 10 SPACES REQUIRED
UNITS > 1,000 SF: 6 = 9 SPACES REQUIRED

TOTAL REQUIRED FOR MULTI-UNIT DWELLINGS: 118 SPACES*

PARKING RATIO REQUIREMENTS (LMC 15-3-6):

NON-RESIDENTIAL:

BUILDING 1		
CHILDCARE: 4,300 SF (LMC 15.4.9):	4.00	(1 PER SHIFT EMPLOYEE)
TENANT AMENITY SPACE: 1,249 SF:	0	N/A
RESIDENT LEASING OFFICE: 2,188 SF	6.56	(3 PER 1,000 SF)
BUILDING 2		
NOT-FOR-PROFIT COWORK ARTS STUDIO: 7,160 SF	7.16	(1 PER 1,000 SF)
BUILDING 3		
(RESIDENT AMENITIES, ONLY)	0	N/A
BUILDING 4		
RETAIL LEASE: 2,140 SF	6.42	(3 PER 1,000 SF)
CAFE LEASE: 2,200 SF	6.60	(3 PER 1,000 SF)
BUILDING 5		
RETAIL LEASE 5,516 SF	16.5	(3 PER 1,000 SF)
BUILDING 6		
RESTAURANT LEASE: 2,100 SF	21.0	(1 PER 1,000 SF)
RETAIL LEASE: 2,595 SF	7.79	(3 PER 1,000 SF)
BUILDING 7 PAVILION		
NOT-FOR-PROFIT ARTS WORKSHOP: 920 SF:	0.92	(1 PER 1,000 SF)

TOTAL REQUIRED FOR NON-RESIDENTIAL: 77 SPACES*

SUMMARY

REQUIRED RESIDENTIAL PARKING:	118 SPACES
REQUIRED NON-RESIDENTIAL PARKING:	77 SPACES
20% MIXED-USE & TOD PARKING REDUCTION:	62 SPACES
REQUIRED PARKING:	180 SPACES REQUIRED
NON-REQUIRED PARKING:	109 SPACES
TOTAL PARKING PROVIDED:	289 SPACES PROVIDED



A2 STREET PARKING PLAN
1" = 30'-0"

Parking Count	
Parking Type	Count
Parking Garage Spaces (Includes 8 ADA parking spaces)	280
Street Parking Spaces	9
Surface Bike Loop (@ 2 spaces per Loop)	65

PARKING GARAGE AREA: 122,477 SF

A1 PARKING GARAGE PLAN
1" = 30'-0"

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project:
5-Acre Site at Bonanza Park Redevelopment

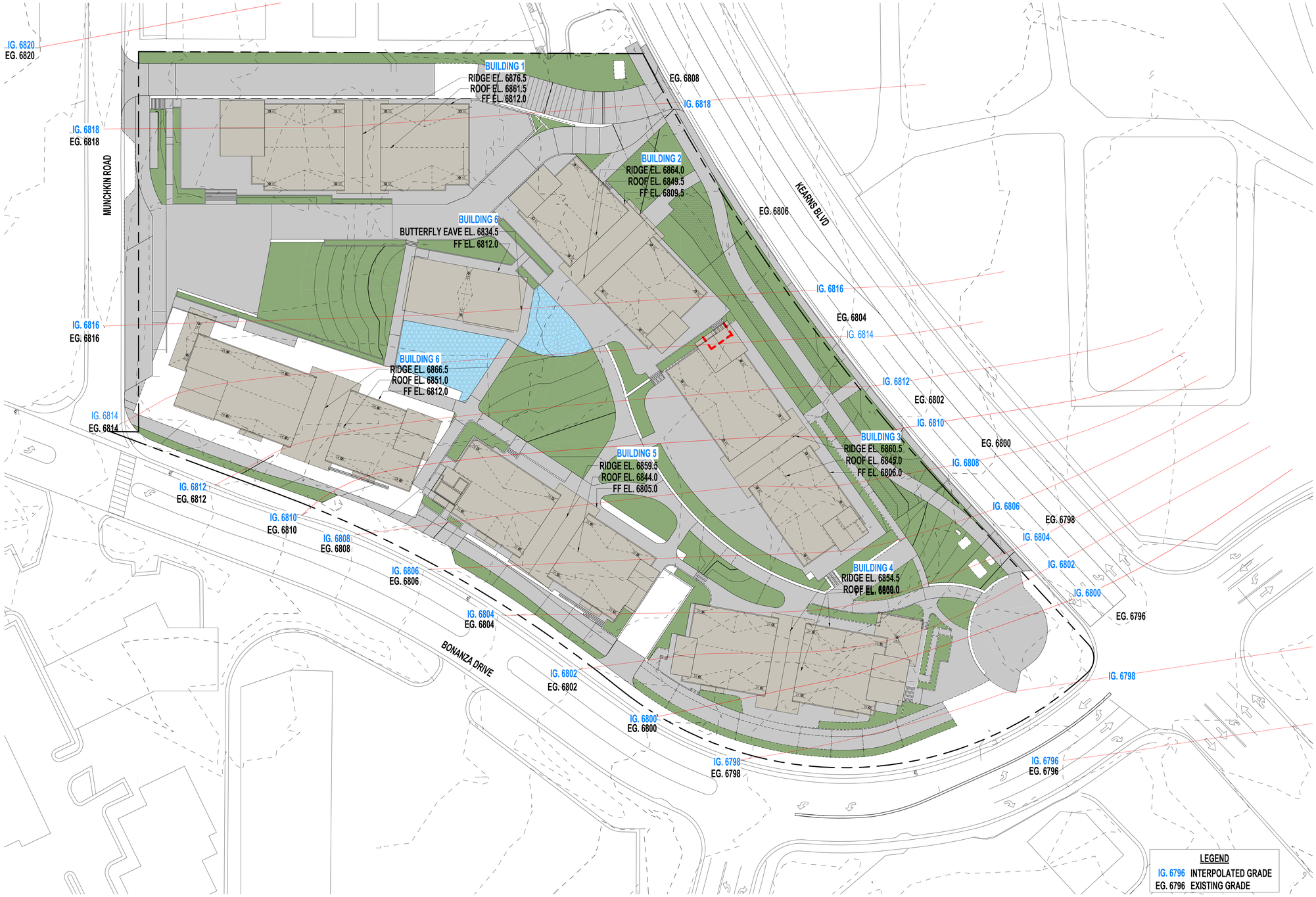
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Park City, UT

project#: 25.0355
date: 2026 / 04 / 30
revisions :

title:
Vehicle and Bicycle Parking Data

sheet:
RD-005
MPD + CUP

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A1 Site Plan with Interpolated Grades
1" = 30'-0"

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project:

5-Acre Site at Bonanza Park Redevelopment

Bonanza-Kearns-Munchkin
Park City, UT

project#: 25.0355
date: 2026 / 04 / 30
revisions :

title:

Building Height Analysis - Site Plan

sheet:

RD-006

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INTERPOLATED SITE TOPOGRAPHY



BONANZA 5-ACRE SITE

- 25 FT MPD SETBACK AT BONANZA DR
- 40 FT PROPOSED INTERIOR SETBACK AT WEST PROPERTY LINE
- 30 FT FPZ SETBACK AT KEARNS
- 35 FT BUILDING HEIGHT, PLUS 5 FT FOR EXCEPTION, LMC 15-2.18-4(A)
- 25 FT MPD SETBACK AT BONANZA DR

Buildable Area & Volume

410,316 SQ FT (3 STORY)
4,787,020 CU FT

Proposed Development

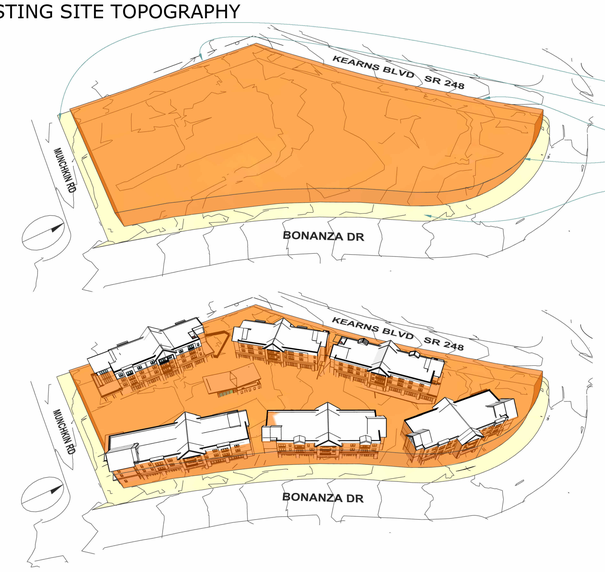
176,422 SQ FT (3 STORY)
2,030,252 CU FT

43% of developable area proposed.

15-6-5 Master Planned Development Requirements
All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

DENSITY. The Planning Commission shall approve the type of Development, number of units, and Density permitted on a given Master Planned Development Site based on a Site Suitability Analysis. The Master Planned Development shall not exceed the maximum Density in the Zoning District, except as otherwise provided in this Section. The Site shall be looked at in its entirety, including all adjacent Property under the same ownership, and the Density shall be located in the locations that support the goals set forth in Section 15-6-1.

EXISTING SITE TOPOGRAPHY



BONANZA 5-ACRE SITE

- 25 FT MPD SETBACK AT BONANZA DR
- 40 FT PROPOSED INTERIOR SETBACK AT WEST PROPERTY LINE
- 30 FT FPZ SETBACK AT KEARNS
- 35 FT BUILDING HEIGHT, PLUS 5 FT FOR EXCEPTION, LMC 15-2.18-4(A)
- 25 FT MPD SETBACK AT BONANZA DR

Buildable Area & Volume

410,316 SQ FT (3 STORY)
4,787,020 CU FT

Proposed Development

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Bonanza-Kearns-Munchkin
Park City, UT

project#: 25.0355
date: 2026 / 04 / 30
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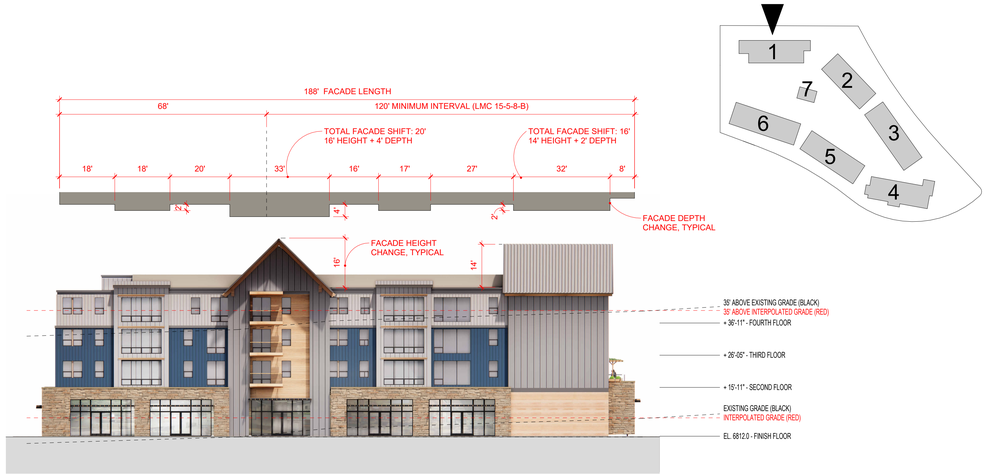
Development Density Potential

sheet:

RD-007

MPD + CUP

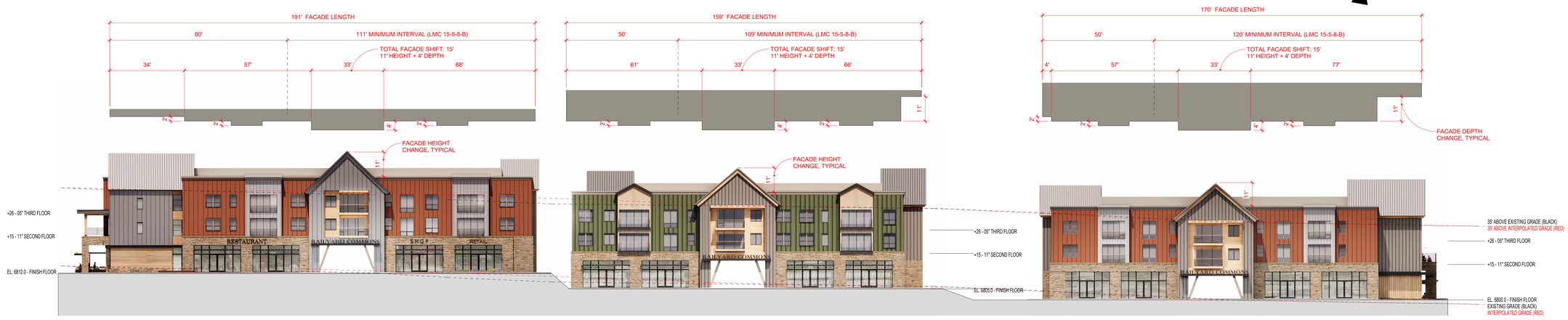
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1 Building 1 - Facade Length and Variations
1" = 20'-0"



2 Buildings 2+3 - Facade Length and Variations - Kearns Blvd Frontage
1" = 20'-0"



3 Buildings 6+5+4 - Facade Length and Variations - Bonanza Drive Frontage
1" = 20'-0"

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project:

5-Acre Site at Bonanza Park Redevelopment

Bonanza-Kearns-Munchkin
Park City, UT

project#: 25.0355
date: 2026 / 04 / 30
revisions :

title:

Building Height & Facade Analysis

sheet:

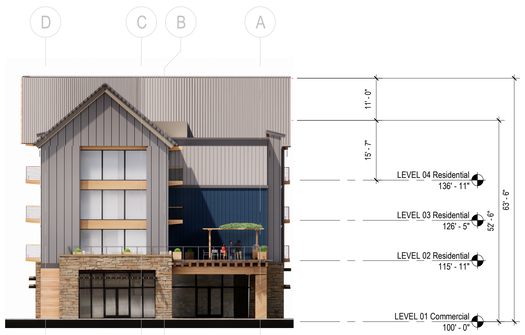
RD-008

MPD + CUP

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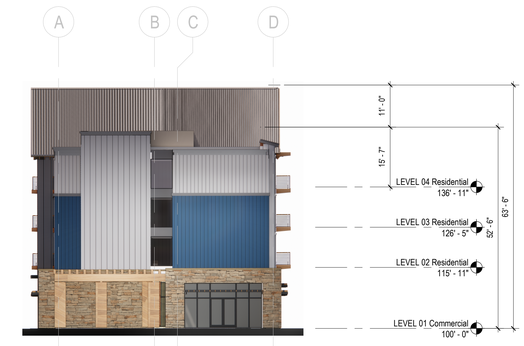
D1 EAST (COMMONS) ELEVATION
1/16" = 1'-0"



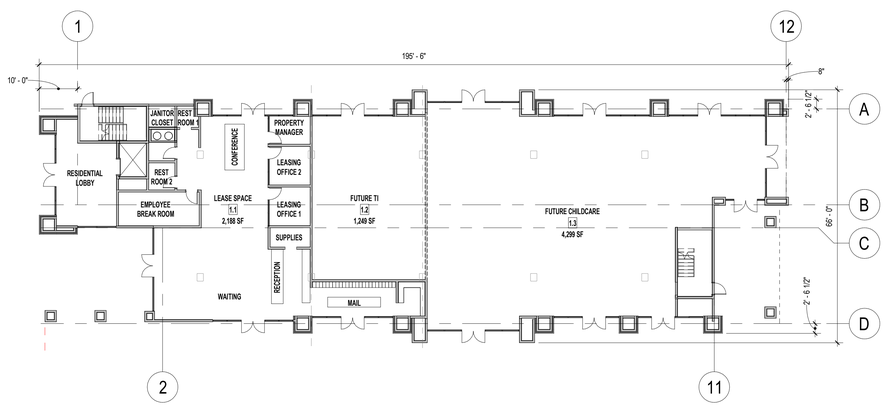
D4 SOUTH (MUNCHKIN RD) ELEVATION
1/16" = 1'-0"



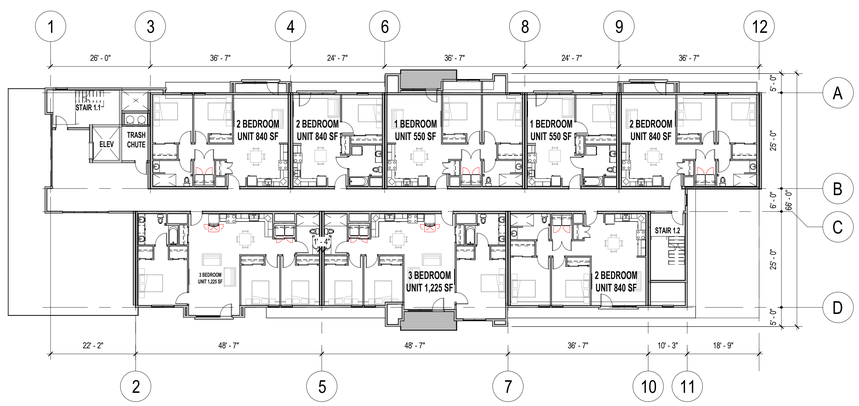
C1 WEST ELEVATION
1/16" = 1'-0"



C4 NORTH ELEVATION
1/16" = 1'-0"



A1 LEVEL 1 FLOOR PLAN COMMERCIAL
1/16" = 1'-0"



A3 TYPICAL UPPER FLOOR PLAN
1/16" = 1'-0"

PARK CITY LMC 15-5 : ARCHITECTURAL

PART 1 - STRUCTURES GREATER THAN SIXTY FEET (60'), BUT LESS THAN 120 FEET IN LENGTH MUST EXHIBIT A PROMINENT SHIFT IN THE FACADE OF THE STRUCTURE SO THAT NO GREATER THAN SEVENTY FIVE PERCENT (75%) OF THE LENGTH OF THE BUILDING FACADE APPEARS UNBROKEN. EACH SHIFT SHALL BE IN THE FORM OF EITHER A TEN FOOT (10') CHANGE IN BUILDING FACADE ALIGNMENT OR A TEN FOOT (10') CHANGE IN THE BUILDING HEIGHT, OR A COMBINED CHANGE IN BUILDING FACADE AND BUILDING HEIGHT TOTALING TEN FEET (10').

PART 2 - STRUCTURES THAT EXCEED 120 FEET IN LENGTH ON ANY FACADE SHALL PROVIDE A PROMINENT SHIFT IN THE MASS OF THE STRUCTURE AT EACH 120 FOOT INTERVAL, OR LESS IF THE DEVELOPER DESIRES, REFLECTING A CHANGE IN FUNCTION OR SCALE. THE SHIFT SHALL BE IN THE FORM OF EITHER A FIFTEEN FOOT (15') CHANGE IN BUILDING FACADE ALIGNMENT OR A FIFTEEN FOOT (15') CHANGE IN THE BUILDING HEIGHT. A COMBINATION OF BOTH THE BUILDING HEIGHT AND BUILDING FACADE CHANGE IS ENCOURAGED AND TO THAT END, IF THE COMBINED CHANGE OCCURS AT THE SAME LOCATION IN THE BUILDING PLAN, A FIFTEEN FOOT (15') TOTAL CHANGE WILL BE CONSIDERED AS FULL COMPLIANCE.

PART 3 - THE SPECIAL FACADE AND VOLUME REQUIREMENT OF THE HISTORIC DISTRICT ARE FOUND IN CHAPTERS 15-2.1 THROUGH 15-2.6 AND IN THE ESIGN GUIDELINES FOR HISTORIC DISTRICTS AND HISTORIC SITES, CHAPTER 15-13.

PART 4 - THE FACADE LENGTH AND VARIATION REQUIREMENTS APPLY TO ALL SIDES OF A BUILDING.

BUILDING 1 DESIGN NARRATIVE

GROUND FLOOR

- **FINISHED SPACES**
  1. INTERIOR DESIGN (ID) BY OWNER.
  2. PARTITION WALLS PER PLAN
  3. INTERIOR 1X STOREFRONT PER PLAN
  4. MILLWORK/CASEWORK ALLOWANCE PER PLAN
- **MEP**
  1. ASSUME PACKAGE UNITS
  2. SPECIAL POWER DISTRIBUTION/RACEWAYS PER ID
  3. CONDUIT TO BE SOLAR-READY ROOF
- **UNFINISHED SHELL SPACE**
  1. INTERIOR / TI DESIGN BY FUTURE TENANT.
  2. RAW CONCRETE SLAB FLOOR, READY FOR GRINDING, TOPPING, OR COVERING.
  3. TAPED AND MUDDED GYPSUM-BOARD WALLS TO PODIUM LID
  4. PLUMBING BLOCKOUTS, FLOOR DRAINS, AND PLUMBING SUPPLY TO FUTURE RESTROOM LOCATIONS TO BE COORDINATED LATER.
  5. RESTROOM BUILD-OUT BY TI.
  6. RATED CHASES/SHAFTS AND CONDUITS TO THE ROOF AVAILABLE ABOVE EACH SHELL SPACE.
  7. ELECTRICAL SUPPLY PIGTAILS
  8. EXPOSED MEP ABOVE +12'. ALL EXPOSED MEP SERVING SPACES OUTSIDE THE SHELL SPACE TO BE PROTECTED, INCLUDING DROPS THROUGH THE SHELL SPACE. DROPS WILL BE ALONG COLUMNS, INSIDE WALLS, OR OTHERWISE LOCATED TO MAXIMIZE USABLE SHELL SPACE.
  9. UNDERSIDE OF PODIUM LID EXPOSED RAW CONCRETE
  10. SPRINKLERS EXPOSED ON DROPS TO +12'
  11. RAW CONCRETE STRUCTURAL COLUMNS
  12. SHEAR WALLS @ 29' CENTERS EXTENDING 8' FROM EXTERIOR WALLS
  13. SLEEVES/CHASES/POWER/ REFRIGERANT LINES FOR FUTURE MEP SYSTEMS IN SHELL SPACE PROVIDED.
  14. FUTURE SHELL SPACE MEP ASSUMED TO BE PACKAGE UNITS BY TI.
  15. ACCESS CONTROL, LOW-VOLTAGE, SECURITY, AND THE LIKE BY TI.
- **RESIDENTS' ENTRY LOBBY:**
  1. BASIS OF DESIGN ELEVATOR: OTIS 3500
  2. STEEL STAIRS WITH CONCRETE-PAN TREADS FROM PARKING GARAGE TO TOP FLOOR, 4' X 4' FD ACCESS ROOF HATCH WITH FIXED LADDER.
  3. INTERIOR DESIGN BY OWNER
  4. RATED GARAGE VENTILATION SHAFT
  5. RATED TRASH CHUTES CONNECT RESIDENTIAL FLOORS ABOVE TO GARAGE BELOW
  6. KEY-CARD ACCESS
  7. DROP CEILING TO COVER GROUND-LEVEL MEP
- **RESIDENTS' EGRESS STAIR**
  1. STEEL STAIRS WITH CONCRETE FILLED METAL PAN TREADS FROM TOP FLOOR TO GROUND LEVEL

BUILDING 1		
DWELLING UNIT NET LIVABLE AREA		
Name	NLA per Unit (SF)	Quantity
1 BED	553.39 SF	6
2 BED	839.26 SF	12
3 BED	1,125.14 SF	6

UNIT DISTRIBUTION	QTY
20.0355 Bonanza Unit Plan 1.rvt	6
20.0355 Bonanza Unit Plan 2.rvt	12
20.0355 Bonanza Unit Plan 3.rvt	6
TOTAL UNITS	24

BUILDING AREA		
LEVEL	AREA*	COMMENTS
LEVEL 01 Commercial	10,020 SF	5% Area Contingency
LEVEL 02 Residential	9,958 SF	5% Area Contingency
LEVEL 03 Residential	10,004 SF	5% Area Contingency
LEVEL 04 Residential	10,004 SF	5% Area Contingency
TOTAL BUILDING AREA (GROSS)*:	39,986 SF	

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project:

BONANZA
5-ACRE SITE
- BUILDING 1

PARCELS BOUNDED BY
BONANZA DR
MUNCHKIN RD
KEARNS BLVD

PARK CITY, UTAH

project#: 25.0355
date: 03 / 16 / 2026
revisions :

title:

PLANS / ELEVATIONS OVERVIEW

sheet:

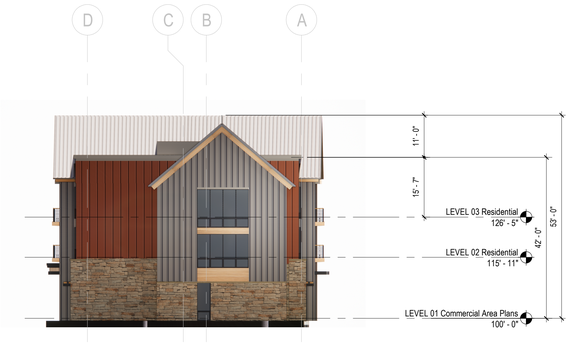
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SCHEMATIC DESIGN

Autodesk Docs://MFMU Sandbox - Jdemiga/20.0355 Bonanza Building 1.rvt
4/30/2026 9:54:33 AM



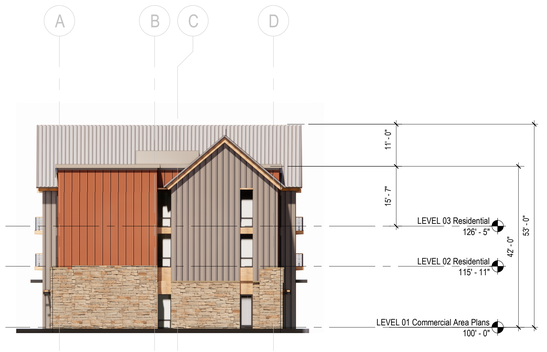
D1 ELEVATION (AT PLAZA)
1/16" = 1'-0"



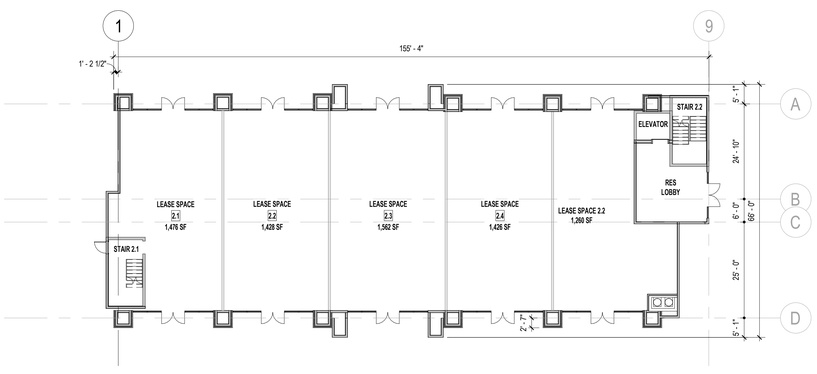
D4 ELEVATION SOUTH
1/16" = 1'-0"



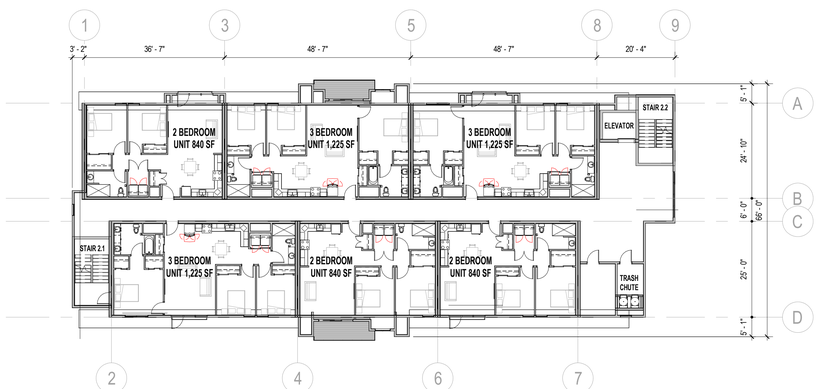
C1 ELEVATION (KEARNS)
1/16" = 1'-0"



C4 ELEVATION NORTH
1/16" = 1'-0"



A1 LEVEL 1 FLOOR PLAN - COMMERCIAL
1/16" = 1'-0"



A4 TYPICAL LEVEL 02 - 03 UPPER FLOOR PLAN
1/16" = 1'-0"

PARK CITY LMC 15-5 : ARCHITECTURAL

PART 1 - STRUCTURES GREATER THAN SIXTY FEET (60'), BUT LESS THAN 120 FEET IN LENGTH MUST EXHIBIT A PROMINENT SHIFT IN THE FACADE OF THE STRUCTURE SO THAT NO GREATER THAN SEVENTY FIVE PERCENT (75%) OF THE LENGTH OF THE BUILDING FACADE APPEARS UNBROKEN. EACH SHIFT SHALL BE IN THE FORM OF EITHER A TEN FOOT (10') CHANGE IN BUILDING FACADE ALIGNMENT OR A TEN FOOT (10') CHANGE IN THE BUILDING HEIGHT, OR A COMBINED CHANGE IN BUILDING FACADE AND BUILDING HEIGHT TOTALING TEN FEET (10').

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PART 4 - THE FACADE LENGTH AND VARIATION REQUIREMENTS APPLY TO ALL SIDES OF A BUILDING.

BUILDING 2 DESIGN NARRATIVE

GROUND FLOOR

- **FINISHED SPACE** [SEE AREA PLAN] INTERIOR DESIGN [ID] BY OWNER.
  1. PARTITION WALLS PER PLAN
  2. INTERIOR 1X STOREFRONT PER PLAN
  3. MILLWORK/CASEWORK ALLOWANCE PER PLAN
  4. MEP ASSUMED PACKAGE UNITS
  5. SPECIAL POWER DISTRIBUTION/RACEWAYS PER ID
  6. CONDUIT TO SOLAR-READY ROOF
- **UNFINISHED SHELL SPACE** [SEE AREA PLAN], INTERIOR/ TI DESIGN BY FUTURE TENANT:
  1. RAW CONCRETE SLAB FLOOR, READY FOR GRINDING, TOPPING, OR COVERING.
  2. TAPED AND MUDDED GYPSUM-BOARD WALLS TO PODIUM LID
  3. PLUMBING BLOCKOUTS, FLOOR DRAINS, AND PLUMBING SUPPLY TO FUTURE RESTROOM LOCATIONS TO BE COORDINATED LATER. RESTROOM BUILD-OUT BY TI.
  4. RATED CHASES/SHAFTS AND CONDUITS TO THE ROOF AVAILABLE ABOVE EACH SHELL SPACE.
  5. ELECTRICAL SUPPLY PIGTAILS
  6. EXPOSED MEP ABOVE +12'. ALL EXPOSED MEP SERVING SPACES OUTSIDE THE SHELL SPACE TO BE PROTECTED, INCLUDING DROPS THROUGH THE SHELL SPACE. DROPS WILL BE ALONG COLUMNS, INSIDE WALLS, OR OTHERWISE LOCATED TO MAXIMIZE USABLE SHELL SPACE.
  7. UNDERSIDE OF PODIUM LID EXPOSED RAW CONCRETE
  8. SPRINKLERS EXPOSED ON DROPS TO +12'
  9. RAW CONCRETE STRUCTURAL COLUMNS
  10. SHEAR WALLS @ 29' CENTERS EXTENDING 8' FROM EXTERIOR WALLS
  11. SLEEVES/CHASES/POWER/ REFRIGERANT LINES FOR FUTURE MEP SYSTEMS IN SHELL SPACE PROVIDED. FUTURE SHELL SPACE MEP ASSUMED TO BE PACKAGE UNITS BY TI.
  12. ACCESS CONTROL, LOW-VOLTAGE, SECURITY, AND THE LIKE BY TI.
- **RESIDENTS' ENTRY LOBBY** [SEE AREA PLAN]:
  1. BASIS OF DESIGN OTIS 3500 ELEVATOR
  2. STEEL STAIRS WITH CONCRETE-PAN TREADS
  3. INTERIOR DESIGN MY OWNER
  4. RATED GARAGE VENTILATION SHAFT
  5. RATED TRASH CHUTES CONNECT RESIDENTIAL FLOORS ABOVE TO GARAGE BELOW
  6. KEY-CARD ACCESS
  7. DROP CEILING TO COVER GROUND-LEVEL MEP
- **RESIDENTS EGRESS STAIR [SEE AREA PLAN]:**
  STEEL STAIRS WITH CONCRETE FILLED METAL PAN TREADS FROM TOP FLOOR TO GROUND LEVEL

BUILDING 5		
DWELLING UNIT NET LIVABLE AREA		
Name	NLA per Unit (SF)	Quantity
2 BED	839.26 SF	6
3 BED	1,125.14 SF	6

UNIT DISTRIBUTION	QTY
20.0355 Bonanza Unit Plan 2.rvt	6
20.0355 Bonanza Unit Plan 3.rvt	6
TOTAL UNITS	12

BUILDING AREA		
LEVEL	AREA*	COMMENTS
LEVEL 01 Commercial Area Plans	8,528 SF	5% Area Contingency
LEVEL 02 Residential	8,666 SF	5% Area Contingency
LEVEL 03 Residential	8,088 SF	5% Area Contingency
TOTAL BUILDING AREA (GROSS)*:	25,282 SF	

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360 west aspen avenue
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project:

BONANZA 5-ACRE SITE - BUILDING 2

PARCELS BOUNDED BY
BONANZA DR
MUNCHKIN RD
KEARNS BLVD

PARK CITY, UTAH

project #: 25.0355
date: 03 / 16 / 2026
revisions :

title:

PLANS / ELEVATIONS OVERVIEW

sheet:

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SCHEMATIC DESIGN

Autodesk Docs://MFMU Sandbox - Jdemings/20.0355 Bonanza Building 2.rvt
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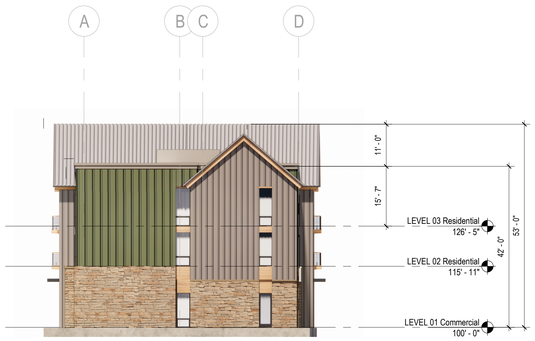
D1 ELEVATION AT PLAZA
1/16" = 1'-0"



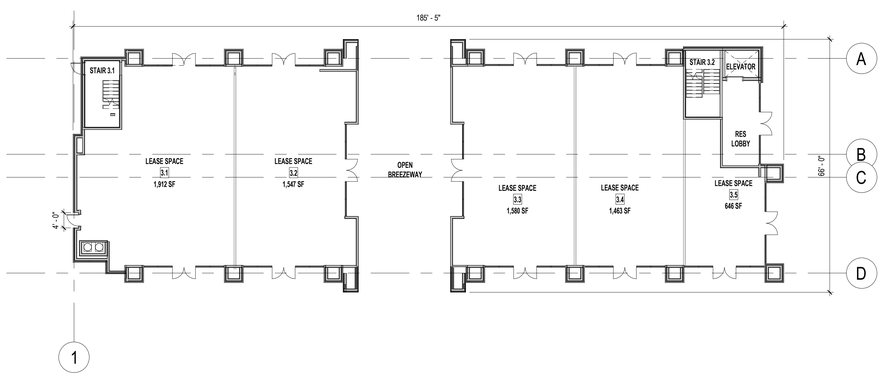
D4 ELEVATION SOUTH EAST
1/16" = 1'-0"



C1 ELEVATION ALONG KEARNS BLVD
1/16" = 1'-0"



C4 ELEVATION EXTERIOR 1
1/16" = 1'-0"



A1 LEVEL 1 FLOOR PLAN
1/16" = 1'-0"



A4 TYPICAL UPPER FLOOR PLAN
1/16" = 1'-0"

PARK CITY LMC 15-5 : ARCHITECTURAL

PART 1 - STRUCTURES GREATER THAN SIXTY FEET (60'), BUT LESS THAN 120 FEET IN LENGTH MUST EXHIBIT A PROMINENT SHIFT IN THE FACADE OF THE STRUCTURE SO THAT NO GREATER THAN SEVENTY FIVE PERCENT (75%) OF THE LENGTH OF THE BUILDING FACADE APPEARS UNBROKEN. EACH SHIFT SHALL BE IN THE FORM OF EITHER A TEN FOOT (10') CHANGE IN BUILDING FACADE ALIGNMENT OR A TEN FOOT (10') CHANGE IN THE BUILDING HEIGHT, OR A COMBINED CHANGE IN BUILDING FACADE AND BUILDING HEIGHT TOTALING TEN FEET (10').

PART 2 - STRUCTURES THAT EXCEED 120 FEET IN LENGTH ON ANY FACADE SHALL PROVIDE A PROMINENT SHIFT IN THE MASS OF THE STRUCTURE AT EACH 120 FOOT INTERVAL, OR LESS IF THE DEVELOPER DESIRES, REFLECTING A CHANGE IN FUNCTION OR SCALE. THE SHIFT SHALL BE IN THE FORM OF EITHER A FIFTEEN FOOT (15') CHANGE IN BUILDING FACADE ALIGNMENT OR A FIFTEEN FOOT (15') CHANGE IN THE BUILDING HEIGHT. A COMBINATION OF BOTH THE BUILDING HEIGHT AND BUILDING FACADE CHANGE IS ENCOURAGED AND TO THAT END, IF THE COMBINED CHANGE OCCURS AT THE SAME LOCATION IN THE BUILDING PLAN, A FIFTEEN FOOT (15') TOTAL CHANGE WILL BE CONSIDERED AS FULL COMPLIANCE.

PART 3 - THE SPECIAL FACADE AND VOLUME REQUIREMENT OF THE HISTORIC DISTRICT ARE FOUND IN CHAPTERS 15-2.1 THROUGH 15-2.6 AND IN THE ESIGN GUIDELINES FOR HISTORIC DISTRICTS AND HISTORIC SITES, CHAPTER 15-13.

PART 4 - THE FACADE LENGTH AND VARIATION REQUIREMENTS APPLY TO ALL SIDES OF A BUILDING.

BUILDING 3 DESIGN NARRATIVE

GROUND FLOOR

- **FINISHED SPACE** [SEE AREA PLAN] INTERIOR DESIGN BY OWNER.
  1. PARTITION WALLS PER PLAN
  2. MEP ASSUMED PACKAGE UNITS
  3. SPECIAL POWER DISTRIBUTION/RACEWAYS IN FUTURE GYM AREA
- **RESIDENTS' ENTRY LOBBY** [SEE AREA PLAN]:
  1. BASIS OF DESIGN OTIS 3500 ELEVATOR
  2. STEEL STAIRS WITH CONCRETE-PAN TREADS
  3. INTERIOR DESIGN MY OWNER
  4. RATED GARAGE VENTILATION SHAFT
  5. RATED TRASH CHUTES CONNECT RESIDENTIAL FLOORS ABOVE TO GARAGE BELOW
  6. KEY-CARD ACCESS
  7. DROP CEILING TO COVER GROUND-LEVEL MEP
- **RESIDENTS EGRESS STAIR [SEE AREA PLAN]**
  A. STEEL STAIRS WITH CONCRETE FILLED METAL PAN TREADS FROM TOP FLOOR TO GROUND LEVEL

BUILDING 3		
DWELLING UNIT NET LIVABLE AREA		
Name	NLA per Unit (SF)	Quantity
1 BED	553.39 SF	2
2 BED	839.26 SF	10
3 BED	1,125.14 SF	4

UNIT DISTRIBUTION	QTY
20.0355 Bonanza Unit Plan 1.rvt	2
20.0355 Bonanza Unit Plan 2.rvt	10
20.0355 Bonanza Unit Plan 3.rvt	4
TOTAL UNITS	16

BUILDING AREA		
LEVEL	AREA*	COMMENTS
LEVEL 01 Commercial	9,093 SF	5% Area Contingency
LEVEL 02 Residential	10,491 SF	5% Area Contingency
LEVEL 03 Residential	10,491 SF	5% Area Contingency
TOTAL BUILDING AREA (GROSS)*:	30,074 SF	

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project:

BONANZA
5-ACRE SITE
- BUILDING 3

PARCELS BOUNDED BY
BONANZA DR
MUNCHKIN RD
KEARNS BLVD

PARK CITY, UTAH

project #: 25.0355
date: 03 / 16 / 2026
revisions :

title:

PLANS /
ELEVATIONS
OVERVIEW

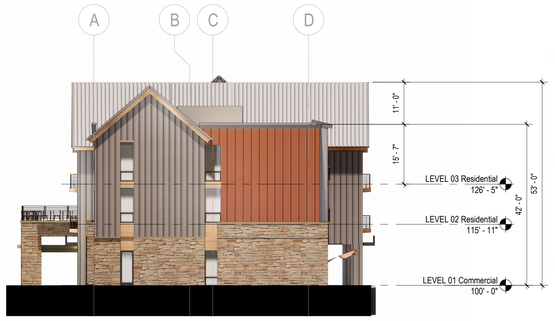
sheet:

SD.3.01
SCHEMATIC DESIGN

Autodesk Docs://MFMU Sandbox - Jdemiga/20.0355 Bonanza Building 3.rvt
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D1 ELEVATION (PLAZA SIDE)
1/16" = 1'-0"



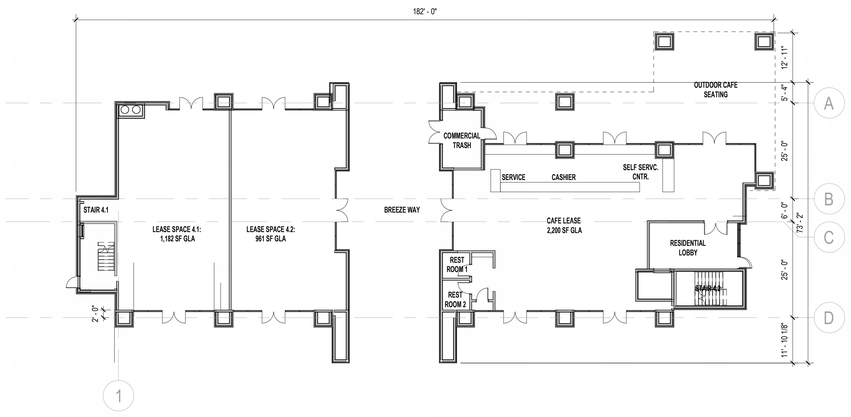
D3 ELEVATION EXTERIOR 4
1/16" = 1'-0"



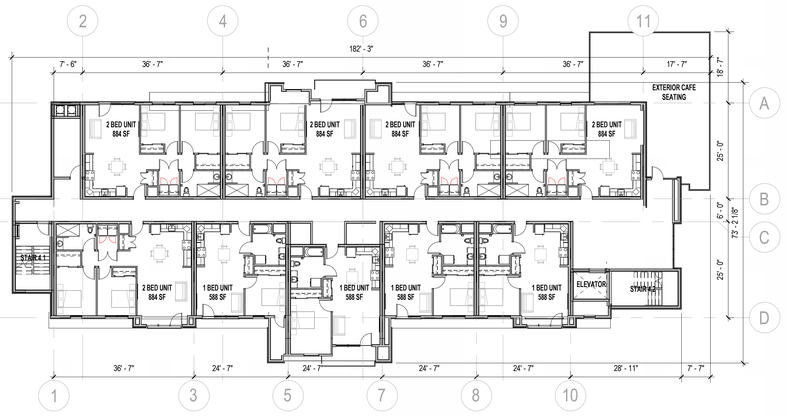
C1 ELEVATION ALONG BONANZA DR (EAST)
1/16" = 1'-0"



C3 ELEVATION (NORTH)
1/16" = 1'-0"



A1 LEVEL 1 FLOOR PLAN - COMMERCIAL
1/16" = 1'-0"



A3 TYPICAL UPPER FLOOR PLAN - RESIDENTIAL
1/16" = 1'-0"

PARK CITY LMC 15-5 : ARCHITECTURAL

PART 1 - STRUCTURES GREATER THAN SIXTY FEET (60'), BUT LESS THAN 120 FEET IN LENGTH MUST EXHIBIT A PROMINENT SHIFT IN THE FACADE OF THE STRUCTURE SO THAT NO GREATER THAN SEVENTY FIVE PERCENT (75%) OF THE LENGTH OF THE BUILDING FACADE APPEARS UNBROKEN. EACH SHIFT SHALL BE IN THE FORM OF EITHER A TEN FOOT (10') CHANGE IN BUILDING FACADE ALIGNMENT OR A TEN FOOT (10') CHANGE IN THE BUILDING HEIGHT, OR A COMBINED CHANGE IN BUILDING FACADE AND BUILDING HEIGHT TOTALING TEN FEET (10').

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PART 4 - THE FACADE LENGTH AND VARIATION REQUIREMENTS APPLY TO ALL SIDES OF A BUILDING.

BUILDING 4 DESIGN NARRATIVE

GROUND FLOOR

- **UNFINISHED SHELL SPACE [SEE AREA PLAN], INTERIOR/ TI DESIGN BY FUTURE TENANT:**
  1. RAW CONCRETE SLAB FLOOR, READY FOR GRINDING, TOPPING, OR COVERING.
  2. TAPED AND MUDDED GYPSUM-BOARD WALLS TO PODIUM LID
  3. PLUMBING BLOCKOUTS, FLOOR DRAINS, AND PLUMBING SUPPLY TO FUTURE RESTROOM LOCATIONS TO BE COORDINATED LATER; RESTROOM BUILD-OUT BY TI.
  4. RATED CHASES/SHAFTS AND CONDUITS TO THE ROOF AVAILABLE ABOVE EACH SHELL SPACE.
  5. ELECTRICAL SUPPLY PIGTAILS
  6. EXPOSED MEP ABOVE +12'. ALL EXPOSED MEP SERVING SPACES OUTSIDE THE SHELL SPACE TO BE PROTECTED, INCLUDING DROPS THROUGH THE SHELL SPACE. DROPS WILL BE ALONG COLUMNS, INSIDE WALLS, OR OTHERWISE LOCATED TO MAXIMIZE USABLE SHELL SPACE.
  7. UNDERSIDE OF PODIUM LID EXPOSED RAW CONCRETE
  8. SPRINKLERS EXPOSED ON DROPS TO +12'
  9. RAW CONCRETE STRUCTURAL COLUMNS
  10. SHEARWALLS @ 29' CENTERS EXTENDING 8' FROM EXTERIOR WALLS
  11. SLEEVES/CHASES/POWER/ REFRIGERANT LINES FOR FUTURE MEP SYSTEMS IN SHELL SPACE PROVIDED. FUTURE SHELL SPACE MEP ASSUMED TO BE PACKAGE UNITS BY TI.
  12. ACCESS CONTROL, LOW-VOLTAGE, SECURITY, AND THE LIKE BY TI.
  13. GREASE TRAP
  14. COMMERCIAL HOOD VENT SHAFT
  15. TRASH COLLECTION/RECYCLE/COMPOST ROOM
  16. FLOOR DRAINS
  17. SPECIAL FIRE SUPPRESSION
- **RESIDENTS' ENTRY LOBBY [SEE AREA PLAN]:**
  1. BASIS OF DESIGN OTIS 3500 ELEVATOR
  2. STEEL STAIRS WITH CONCRETE-PAN TREADS
  3. INTERIOR DESIGN MY OWNER
  4. RATED GARAGE VENTILATION SHAFT
  5. RATED TRASH CHUTES CONNECT RESIDENTIAL FLOORS ABOVE TO GARAGE BELOW
  6. KEY-CARD ACCESS
  7. DROP CEILING TO COVER GROUND-LEVEL MEP
- **RESIDENTS EGRESS STAIR [SEE AREA PLAN]**
  1. STEEL STAIRS WITH CONCRETE FILLED METAL PAN TREADS FROM TOP FLOOR TO GROUND LEVEL

BUILDING 4		
DWELLING UNIT NET LIVABLE AREA		
Name	NLA per Unit (SF)	Quantity
1 BED	553.39 SF	8
2 BED	839.26 SF	10

UNIT DISTRIBUTION	QTY
20.0355 Bonanza Unit Plan 1.rvt	8
20.0355 Bonanza Unit Plan 2.rvt	10
TOTAL UNITS	18

BUILDING AREA		
LEVEL	AREA*	COMMENTS
LEVEL 01 Commercial	7,773 SF	5% Area Contingency
LEVEL 02 Residential	9,810 SF	5% Area Contingency
LEVEL 03 Residential	9,810 SF	5% Area Contingency
TOTAL BUILDING AREA (GROSS)*:	27,392 SF	

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project:

BONANZA 5-ACRE SITE - BUILDING 4

PARCELS BOUNDED BY
BONANZA DR
MUNCHKIN RD
KEARNS BLVD

PARK CITY, UTAH

project #: 25.0355
date: 03 / 16 / 2026
revisions :

title:

PLANS/ ELEVATIONS OVERVIEW

sheet:

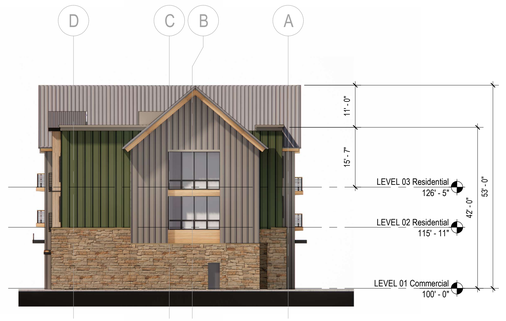
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SCHEMATIC DESIGN

Autodesk Docs://MFMU Sandbox - Jdemirga/20.0355 Bonanza Building 4.rvt
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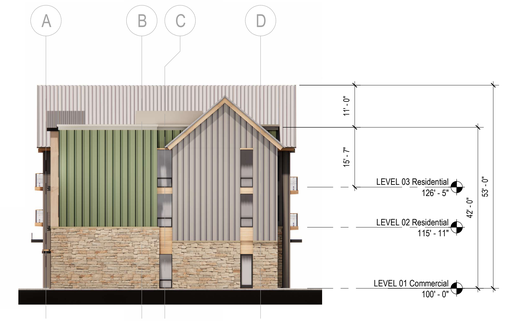
D1 ELEVATION EXTERIOR 3
1/16" = 1'-0"



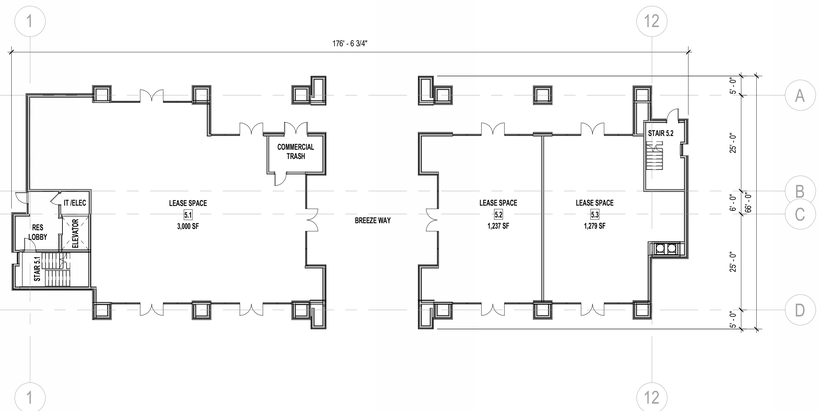
D4 ELEVATION (SOUTH)
1/16" = 1'-0"



C1 ELEVATION ALONG BONANZA DR (EAST)
1/16" = 1'-0"



C4 ELEVATION (NORTH)
1/16" = 1'-0"



A1 LEVEL 1 FLOOR PLAN - COMMERCIAL
1/16" = 1'-0"



A3 TYPICAL UPPER FLOOR PLAN - RESIDENTIAL
1/16" = 1'-0"

PARK CITY LMC 15-5 : ARCHITECTURAL

PART 1 - STRUCTURES GREATER THAN SIXTY FEET (60'), BUT LESS THAN 120 FEET IN LENGTH MUST EXHIBIT A PROMINENT SHIFT IN THE FACADE OF THE STRUCTURE SO THAT NO GREATER THAN SEVENTY FIVE PERCENT (75%) OF THE LENGTH OF THE BUILDING FACADE APPEARS UNBROKEN. EACH SHIFT SHALL BE IN THE FORM OF EITHER A TEN FOOT (10') CHANGE IN BUILDING FACADE ALIGNMENT OR A TEN FOOT (10') CHANGE IN THE BUILDING HEIGHT, OR A COMBINED CHANGE IN BUILDING FACADE AND BUILDING HEIGHT TOTALING TEN FEET (10').

PART 2 - STRUCTURES THAT EXCEED 120 FEET IN LENGTH ON ANY FACADE SHALL PROVIDE A PROMINENT SHIFT IN THE MASS OF THE STRUCTURE AT EACH 120 FOOT INTERVAL, OR LESS IF THE DEVELOPER DESIRES, REFLECTING A CHANGE IN FUNCTION OR SCALE. THE SHIFT SHALL BE IN THE FORM OF EITHER A FIFTEEN FOOT (15') CHANGE IN BUILDING FACADE ALIGNMENT OR A FIFTEEN FOOT (15') CHANGE IN THE BUILDING HEIGHT. A COMBINATION OF BOTH THE BUILDING HEIGHT AND BUILDING FACADE CHANGE IS ENCOURAGED AND TO THAT END, IF THE COMBINED CHANGE OCCURS AT THE SAME LOCATION IN THE BUILDING PLAN, A FIFTEEN FOOT (15') TOTAL CHANGE WILL BE CONSIDERED AS FULL COMPLIANCE.

PART 3 - THE SPECIAL FACADE AND VOLUME REQUIREMENT OF THE HISTORIC DISTRICT ARE FOUND IN CHAPTERS 15-2.1 THROUGH 15-2.6 AND IN THE ESIGN GUIDELINES FOR HISTORIC DISTRICTS AND HISTORIC SITES, CHAPTER 15-13.

PART 4 - THE FACADE LENGTH AND VARIATION REQUIREMENTS APPLY TO ALL SIDES OF A BUILDING.

BUILDING 5 DESIGN NARRATIVE

GROUND FLOOR

- UNFINISHED SHELL SPACE [SEE AREA PLAN]. INTERIOR/ TI DESIGN BY FUTURE TENANT:
  1. RAW CONCRETE SLAB FLOOR, READY FOR GRINDING, TOPPING, OR COVERING.
  2. TAPED AND MUDDED GYPSUM-BOARD WALLS TO PODIUM LID
  3. PLUMBING BLOCKOUTS, FLOOR DRAINS, AND PLUMBING SUPPLY TO FUTURE RESTROOM LOCATIONS TO BE COORDINATED LATER, RESTROOM BUILD-OUT BY TI.
  4. RATED CHASES/SHAFTS AND CONDUITS TO THE ROOF AVAILABLE ABOVE EACH SHELL SPACE.
  5. ELECTRICAL SUPPLY PIGTAILS
  6. EXPOSED MEP ABOVE +12'. ALL EXPOSED MEP SERVING SPACES OUTSIDE THE SHELL SPACE TO BE PROTECTED, INCLUDING DROPS THROUGH THE SHELL SPACE. DROPS WILL BE ALONG COLUMNS, INSIDE WALLS, OR OTHERWISE LOCATED TO MAXIMIZE USABLE SHELL SPACE.
  7. UNDERSIDE OF PODIUM LID EXPOSED RAW CONCRETE
  8. SPRINKLERS EXPOSED ON DROPS TO +12'
  9. RAW CONCRETE STRUCTURAL COLUMNS
  10. SHEARWALLS @ 29' CENTERS EXTENDING 8' FROM EXTERIOR WALLS
  11. SLEEVES/CHASES/POWER/ REFRIGERANT LINES FOR FUTURE MEP SYSTEMS IN SHELL SPACE PROVIDED. FUTURE SHELL SPACE MEP ASSUMED TO BE PACKAGE UNITS BY TI.
  12. ACCESS CONTROL, LOW-VOLTAGE, SECURITY, AND THE LIKE BY TI.
  13. FLOOR DRAINS
- RESIDENTS' ENTRY LOBBY [SEE AREA PLAN]:
  1. BASIS OF DESIGN OTIS 3500 ELEVATOR
  2. STEEL STAIRS WITH CONCRETE-PAN TREADS
  3. INTERIOR DESIGN MY OWNER
  4. RATED GARAGE VENTILATION SHAFT
  5. RATED TRASH CHUTES CONNECT RESIDENTIAL FLOORS ABOVE TO GARAGE BELOW
  6. KEY-CARD ACCESS
  7. DROP CEILING TO COVER GROUND-LEVEL MEP
- RESIDENTS EGRESS STAIR [SEE AREA PLAN]
  1. STEEL STAIRS WITH CONCRETE FILLED METAL PAN TREADS FROM TOP FLOOR TO GROUND LEVEL

BUILDING 5		
DWELLING UNIT NET LIVABLE AREA		
Name	NLA per Unit (SF)	Quantity
1 BED	553.39 SF	12
2 BED	845.47 SF	6
3 BED	1,155.97 SF	2

UNIT DISTRIBUTION	QTY
20.0355 Bonanza Unit Plan 1.rvt	12
20.0355 Bonanza Unit Plan 2.rvt	6
20.0355 Bonanza Unit Plan 3.rvt	2
TOTAL UNITS	20

BUILDING AREA		
LEVEL	AREA*	COMMENTS
LEVEL 01 Commercial	7,424 SF	5% Area Contingency
LEVEL 02 Residential	10,489 SF	5% Area Contingency
LEVEL 03 Residential	10,493 SF	5% Area Contingency
TOTAL BUILDING AREA (GROSS)*:	28,406 SF	

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project:

BONANZA
5-ACRE SITE
- BUILDING 5

PARCELS BOUNDED BY
BONANZA DR
MUNCHKIN RD
KEARNS BLVD

PARK CITY, UTAH

project #: 25.0355
date: 03 / 16 / 2026
revisions :

title:

PLANS/
ELEVATIONS
OVERVIEW

sheet:

SD.5.01

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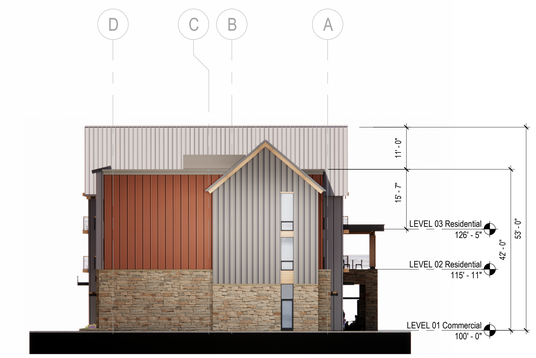
E1 ELEVATION AT PLAZA (WEST)
1/16" = 1'-0"



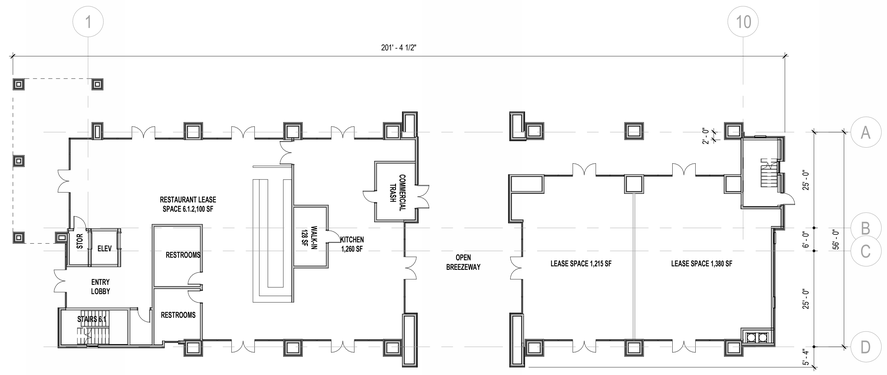
E4 ELEVATION EXTERIOR 4
1/16" = 1'-0"



D1 ELEVATION ALONG BONANZA DR (EAST)
1/16" = 1'-0"



D4 ELEVATION EXTERIOR 2
1/16" = 1'-0"



A1 LEVEL 1 FLOOR PLAN - COMMERCIAL
1/16" = 1'-0"



A3 TYPICAL UPPER FLOOR PLAN - RESIDENTIAL
1/16" = 1'-0"

PARK CITY LMC 15-5 : ARCHITECTURAL

PART 1 - STRUCTURES GREATER THAN SIXTY FEET (60'), BUT LESS THAN 120 FEET IN LENGTH MUST EXHIBIT A PROMINENT SHIFT IN THE FACADE OF THE STRUCTURE SO THAT NO GREATER THAN SEVENTY FIVE PERCENT (75%) OF THE LENGTH OF THE BUILDING FACADE APPEARS UNBROKEN. EACH SHIFT SHALL BE IN THE FORM OF EITHER A TEN FOOT (10') CHANGE IN BUILDING FACADE ALIGNMENT OR A TEN FOOT (10') CHANGE IN THE BUILDING HEIGHT, OR A COMBINED CHANGE IN BUILDING FACADE AND BUILDING HEIGHT TOTALING TEN FEET (10').

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PART 4 - THE FACADE LENGTH AND VARIATION REQUIREMENTS APPLY TO ALL SIDES OF A BUILDING.

BUILDING 6 DESIGN NARRATIVE

GROUND FLOOR

- **UNFINISHED SHELL SPACE** (SEE AREA PLAN) INTERIOR/ TI DESIGN BY FUTURE TENANT:
  1. RAW CONCRETE SLAB FLOOR, READY FOR GRINDING, TOPPING, OR COVERING.
  2. TAPED AND MUDDED GYPSUM-BOARD WALLS TO PODIUM LID
  3. PLUMBING BLOCKOUTS, FLOOR DRAINS, AND PLUMBING SUPPLY TO FUTURE RESTROOM LOCATIONS TO BE COORDINATED LATER. RESTROOM BUILD-OUT BY TI.
  4. RATED CHASES/SHAFTS AND CONDUITS TO THE ROOF AVAILABLE ABOVE EACH SHELL SPACE.
  5. ELECTRICAL SUPPLY PIGTAILS
  6. EXPOSED MEP ABOVE +12'. ALL EXPOSED MEP SERVING SPACES OUTSIDE THE SHELL SPACE TO BE PROTECTED, INCLUDING DROPS THROUGH THE SHELL SPACE. DROPS WILL BE ALONG COLUMNS, INSIDE WALLS, OR OTHERWISE LOCATED TO MAXIMIZE USABLE SHELL SPACE.
  7. UNDERSIDE OF PODIUM LID EXPOSED RAW CONCRETE
  8. SPRINKLERS EXPOSED ON DROPS TO +12'
  9. RAW CONCRETE STRUCTURAL COLUMNS
  10. SHEAR WALLS @ 29' CENTERS EXTENDING 8' FROM EXTERIOR WALLS
  11. SLEEVES/CHASES/POWER/ REFRIGERANT LINES FOR FUTURE MEP SYSTEMS IN SHELL SPACE PROVIDED. FUTURE SHELL SPACE MEP ASSUMED TO BE PACKAGE UNITS BY TI.
  12. ACCESS CONTROL, LOW-VOLTAGE, SECURITY, AND THE LIKE BY TI.
  13. GREASE TRAP IN RESTAURANT SPACE
  14. COMMERCIAL HOOD VENT SHAFT IN RESTAURANT SPACE
  15. TRASH COLLECTION/RECYCLE/COMPOST ROOM IN BREEZEWAY ADJACENT TO RESTAURANT SPACE
  16. FLOOR DRAINS
  17. FIRE SUPRESSION SYSTEM FOR RESTAURANT USE
- **RESIDENTS' ENTRY LOBBY** (SEE AREA PLAN)
  1. BASIS OF DESIGN OTIS 3500 ELEVATOR
  2. STEEL STAIRS WITH CONCRETE-PAN TREADS FROM PARKING GARAGE TO TOP FLOOR
  3. INTERIOR DESIGN MY OWNER
  4. RATED GARAGE VENTILATION SHAFT
  5. RATED TRASH CHUTES CONNECT RESIDENTIAL FLOORS ABOVE TO GARAGE BELOW
  6. KEY-CARD ACCESS
  7. DROP CEILING TO COVER GROUND-LEVEL MEP
- **RESIDENTS EGRESS STAIR**
  1. STEEL STAIRS WITH CONCRETE FILLED METAL PAN TREADS FROM TOP FLOOR TO GROUND LEVEL

BUILDING 6		
DWELLING UNIT NET LIVABLE AREA		
Name	NLA per Unit (SF)	Quantity
1 BED	553.39 SF	2
2 BED	839.26 SF	8
3 BED	1,125.14 SF	6

UNIT DISTRIBUTION	QTY
20.0355 Bonanza Unit Plan 1.rvt	2
20.0355 Bonanza Unit Plan 2.rvt	8
20.0355 Bonanza Unit Plan 3.rvt	6
TOTAL UNITS	16

BUILDING AREA		
LEVEL	AREA*	COMMENTS
LEVEL 01 Commercial	8,639 SF	5% Area Contingency
LEVEL 02 Residential	11,126 SF	5% Area Contingency
LEVEL 03 Residential	11,324 SF	5% Area Contingency
TOTAL BUILDING AREA (GROSS)*:	31,089 SF	

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project:

BONANZA 5-ACRE SITE - BUILDING 6

PARCELS BOUNDED BY
BONANZA DR
MUNCHKIN RD
KEARNS BLVD

PARK CITY, UTAH

project #: 25.0355
date: 03 / 16 / 2026
revisions :

title:

PLANS/ ELEVATIONS OVERVIEW

sheet:

SD.6.01

SCHEMATIC DESIGN

4/3/2026 10:15:03 AM Autodesk Docs://MFMU Sandbox - Jdemiga/20.0355 Bonanza Building 6.rvt



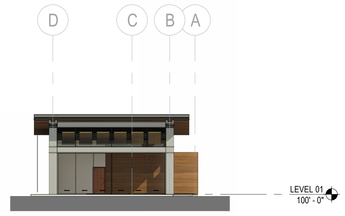
E3 EXTERIOR ELEVATION - EAST
1/16" = 1'-0"



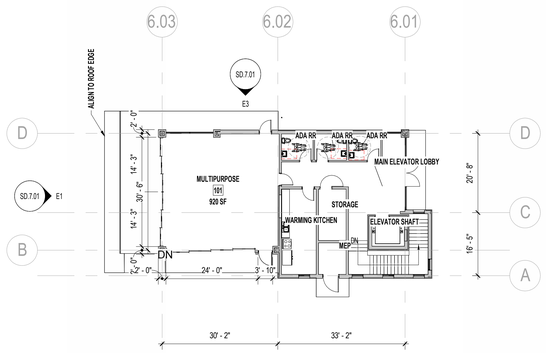
D1 EXTERIOR ELEVATION - WEST
1/16" = 1'-0"



D3 EXTERIOR ELEVATION - SOUTH
1/16" = 1'-0"



E1 EXTERIOR ELEVATION - NORTH
1/16" = 1'-0"



A2 LEVEL 01 FLOOR PLAN
1/16" = 1'-0"

BUILDING 7 DESIGN NARRATIVE

GROUND FLOOR

- **FINISHED SPACE** [SEE AREA PLAN]. INTERIOR DESIGN BY OWNER.
  1. PARTITION WALLS PER PLAN
  2. MILLWORK/CASEWORK ALLOWANCE PER PLAN YES/NO
  3. MEP ASSUMED HEAT PUMPS
  4. SPECIAL POWER DISTRIBUTION/RACEWAYS IN ARTS SPACE

- **ELEVATOR/STAIR/RESTROOM GARAGE ENTRY LOBBY** [SEE AREA PLAN]:
  1. BASIS OF DESIGN OTIS 3500 ELEVATOR (OR LARGER)
  2. ARCHITECTURAL STAIRS, FINISHES AND RAILING BY OWNER'S ID
  3. INTERIOR DESIGN BY OWNER
  4. ELEVATOR, STAIR, AND RESTROOMS ARE PUBLIC. TIMED ACCESS.
  5. HARD LID

- **ARTS SPACE [SEE AREA PLAN]:**
  1. CURTAIN WALL GLAZING ALL SIDES
  2. HIGH PERFORMANCE GLAZING
  3. MOTORIZED WINDOW SHADES AND BLACKOUT SHADES
  4. STEEL MOMENT FRAMES ALL SIDES
  5. RADIANT FLOOR HEAT (ALTERNATIVELY ASCERTAIN LOCATION OF HEAT PUMP UNIT AND DUCTS)
  6. SLIDING RETRACTABLE WALL
  7. ACOUSTIC CEILING TREATMENTS
  8. HARDWOOD ATHLETIC FLOOR
  9. EXPOSED T+G WOOD CEILING
  10. EXPOSED LIGHTING TBS BY OWNER ID
  11. SPECIAL A/V EQUIPMENT TBS
  12. SPECIAL LIGHTING CONTROLS TBS
  13. TABLE AND CHAIR STORAGE RACKS
  14. EXTERIOR A/V HOOKUPS TBS AT STAGE

BUILDING AREA

LEVEL	AREA*	COMMENTS
LEVEL 01	2,563 SF	5% Area Contingency
TOTAL BUILDING AREA (GROSS)*:	2,563 SF	

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project:

20.0355 FIVE ACRE @ BONANZA BUILDING 7

[SET PROJECT INFORMATION ADDRESS TEXT FIELD AND SET LOCATION UNDER ENERGY SETTINGS IF APPLICABLE]

project#: [SET PROJECT INFO NUMBER PARAMETER]
date:

revisions :

title:

PLANS/ ELEVATIONS OVERVIEW

sheet:

SD.7.01

SCHEMATIC DESIGN

4/30/2026 10:20:48 AM Autodesk Docs://MFMU Sandbox - Jdemiga/20.0355 Bonanza Building 7.rvt

BONANZA PARK ALTA/NSPS LAND TITLE SURVEY

LOCATED IN THE NORTH HALF AND THE SOUTHWEST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH
RECORD OF SURVEY

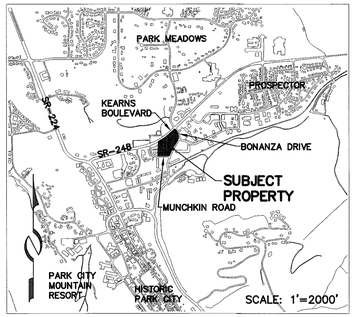
NARRATIVE

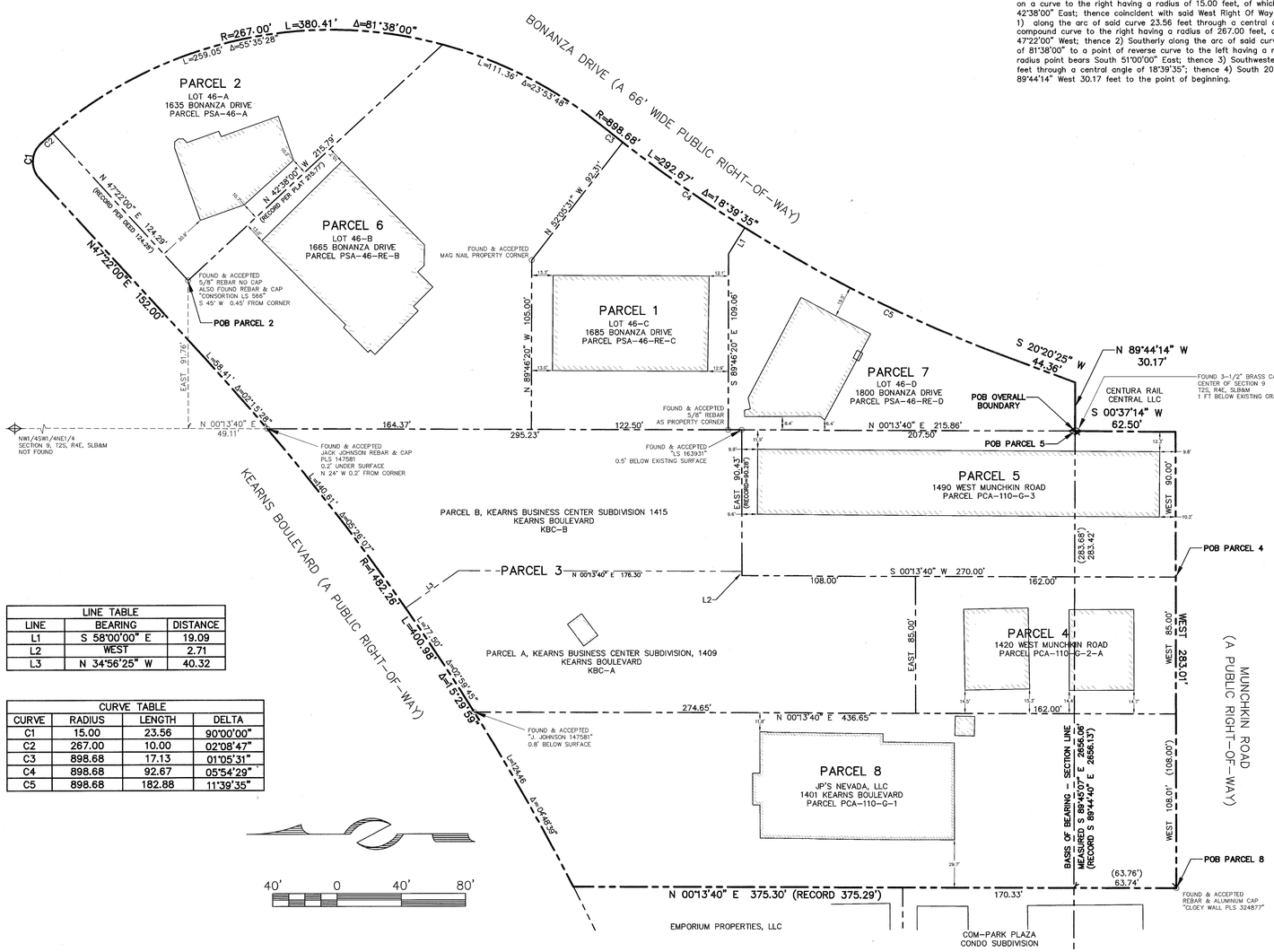
1. This survey was performed with a Commitment for Title Insurance issued by Coalition Title Agency, Inc. with an effective date of September 1, 2016 as File No. 26227.
2. The subject property is located in the city of Park City, Number 490139. The flood zone designation for the subject property is Zone X determined to be outside the 0.2% annual chance floodplain. This is indicated on Panel 0917C of the Flood Insurance Rate Map, Map Number 49043C0917C dated March 16, 2006.
3. The gross land area of the property is 5.24 acres.
4. The property contains a total of 135 striped parking spaces. Eight of these spaces are marked as handicap spaces.
5. There is no observable evidence of earth moving work or building construction within recent months.
6. There is no observable evidence of the property having been used as a solid waste dump, sump or sanitary landfill.
7. Record bearings and/or distances when different than measured are in parenthesis ( ).
8. An Overall Boundary Description has been prepared in anticipation of a future subdivision plat preparation. The Overall Boundary Description includes all subject parcels and very closely matches existing record descriptions.
9. Parcel 8 does not mathematically close. Record and measured distances are shown.
10. Parcel 2 & 6 common boundaries are different per plat and deed. Record and measured distances are shown.
11. Documents used in determining the boundary include:
    Kearns Business Center Subdivision (Entry No. 366123)
    Resubdivision of Lot 46 Prospector Square (Entry No. 231818)
    Com-Park Plaza Condominiums (Entry No. 181481)
    Prospector Square Amended Plat (Entry No. 125443)
    Record of Survey (S-4068)
    Record of Survey (S-3922)
    Record of Survey (S-3854)

    All on file and of record in the Office of the Summit County Recorder.

    In addition,
    An unrecorded ALTA/ACSM Land Title Survey by Alliance Engineering, dated June 29, 2010 (Job # 5-6-10)
12. Evidence found in the field, recorded deeds, and documents listed above were all considered in determining the boundary as shown.
13. Basis of Bearing is between Found 3-1/2" Brass Cap Monument at the center of Section 9 and Found Aluminum Cap at the west quarter corner of Section 9 South 89°45'07" East, 2656.06' (Record South 89°44'40" East 2656.13') as shown on this survey.

VICINITY MAP





LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 58°00'00" E	19.09
L2	WEST	2.71
L3	N 34°56'25" W	40.32

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	15.00	23.56	90°00'00"
C2	267.00	10.00	02°08'47"
C3	898.68	17.13	01°05'31"
C4	898.68	92.67	05°54'29"
C5	898.68	182.88	11°39'35"

OVERALL BOUNDARY DESCRIPTION

A parcel of land located in the north half and the southwest quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point, said point being the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being South 89°45'07" East 2656.06 feet (record bearing and distance South 89°44'40" East 2656.13 feet) from the west quarter corner of said Section 9; and running thence South 00°37'14" West 62.50 feet to a point on the North Right Of Way Line of Munchkin Road; thence along said North Right Of Way Line West 283.01 feet to the southeast corner of Com-Park Plaza Condominiums, recorded July 10, 1981, as Entry No. 181481 in the Office of the Recorder, Summit County, Utah; thence coincident with said Com-Park Plaza Condominiums North 00°13'40" East 170.33 feet; thence continuing North 00°13'40" East 204.97 feet to a point on the South Right Of Way Line of Kearns Boulevard, said point also being on a non tangent curve to the left having a radius of 1482.26 feet, of which the radius point bears North 27°08'01" West; thence coincident with said South Right Of Way Line the following two (2) courses: 1) northeasterly along the arc of said curve 400.98 feet through a central angle of 15°29'59"; thence 2) North 47°22'00" East 152.00 feet to a point on the West Right Of Way Line of Bonanza Drive, said point also being on a curve to the right having a radius of 15.00 feet, of which the radius point bears South 42°38'00" East; thence coincident with said West Right Of Way Line the following four (4) courses: 1) along the arc of said curve 23.56 feet through a central angle of 90°00'00" to a point of compound curve to the right having a radius of 267.00 feet, of which the radius point bears South 47°22'00" West; thence 2) Southerly along the arc of said curve 380.41 feet through a central angle of 81°38'00" to a point of reverse curve to the left having a radius of 898.68 feet, of which the radius point bears South 51°00'00" East; thence 3) Southwesterly along the arc of said curve 292.67 feet through a central angle of 18°39'35"; thence 4) South 20°20'25" West 44.36 feet; thence North 89°44'14" West 30.17 feet to the point of beginning.

PROFESSIONAL LAND SURVEYOR No.7246891 CHARLES GALATI 4/18/2017 State of Utah

SURVEYOR'S CERTIFICATE

To: Bonanza Park L.L.C., Maverik Park City, L.L.C., JP's Nevada LLC, and Stewart Title Guaranty Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 7a, 9 and 13 of Table A thereof. The fieldwork was completed on March 28, 2017.

LEGAL DESCRIPTION

PARCEL 1

LOT 46-C, RESUBDIVISION OF LOT 46 PROSPECTOR SQUARE, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED MARCH 15, 1985, AS ENTRY NO. 231818, OF THE OFFICIAL RECORDS IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

(Tax Serial No. PSA-46-RE-C)

PARCEL 2

PART OF LOT 46, PROSPECTOR SQUARE SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 551.85 FEET AND EAST 93.95 FEET FROM THE CENTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 47°22' EAST 124.28 FEET TO A POINT OF A 267.00 FOOT RADIUS CURVE TO THE RIGHT, THE RADIUS POINT OF WHICH IS SOUTH 49°30'36" WEST 267.00 FEET; SAID POINT ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF BONANZA DRIVE; THENCE ALONG THE ARC OF SAID CURVE AND WESTERLY RIGHT-OF-WAY LINE 259.05 FEET; THENCE NORTH 42°38' WEST 215.79 FEET TO THE POINT OF BEGINNING.

(Tax Serial No. PSA-46-A)

PARCEL 3

PARCELS A AND B, KEARNS BUSINESS CENTER SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

(Tax Serial Nos. KBC-A and KBC-B)

PARCEL 4

BEGINNING AT A POINT SOUTH 00 DEGREES 37 MINUTES 14 SECONDS WEST 62.50 FEET ALONG A SECTION LINE AND WEST 90.00 FEET FROM THE CENTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE WEST 85.00 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 40 SECONDS EAST 162.00 FEET; THENCE EAST 85.00 FEET; THENCE SOUTH 00 DEGREES 13 MINUTES 40 SECONDS WEST 162.00 FEET TO THE POINT OF BEGINNING.

(Tax Serial No. PCA-110-G-2-A)

PARCEL 5

A PARCEL OF LAND SITUATED IN PARK CITY, SUMMIT COUNTY, STATE OF UTAH:

BEGINNING AT THE CENTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANCH 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 00 DEGREES 37 MINUTES 14 SECONDS WEST ALONG THE CENTER SECTION LINE 62.50 FEET; THENCE WEST 90.00 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 40 SECONDS EAST 270.00 FEET; THENCE EAST 90.28 FEET TO THE CENTER SECTION LINE; THENCE SOUTH 00 DEGREES 13 MINUTES 40 SECONDS WEST ALONG SAID CENTER SECTION LINE 207.25 FEET TO THE POINT OF BEGINNING.

(Tax Serial No. PCA-110-G-3)

PARCEL 6

LOT 46-B, RESUBDIVISION OF LOT 46 PROSPECTOR SQUARE, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED MARCH 15, 1985, AS ENTRY NO. 231818, OF THE OFFICIAL RECORDS IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

(Tax Serial No. PSA-46-RE-B)

PARCEL 7

LOT 46-D, RESUBDIVISION OF LOT 46 PROSPECTOR SQUARE, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED MARCH 15, 1985, AS ENTRY NO. 231818, OF THE OFFICIAL RECORDS IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

(Tax Serial No. PSA-46-RE-D)

PARCEL 8

BEGINNING AT A POINT NORTH 89°44'40" WEST ALONG THE CENTER SECTION LINE 283.68 FEET AND SOUTH 63.76 FEET FROM THE CENTER SECTION CORNER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE NORTH 0°13'40" EAST 375.29 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY U-248, SAID POINT BEING ON A CURVE TO THE LEFT, THE RADIUS POINT OF WHICH IS NORTH 27°08'01" WEST 1482.26 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE 124.46 FEET; THENCE SOUTH 0°13'40" WEST 436.65 FEET; THENCE WEST 108.00 FEET TO THE POINT OF BEGINNING.

(Tax Serial No. PCA-110-G-1)

NOTE:

Parcel 6 & 7 Legal Descriptions are mistakenly listed as Entry No. 238183 in the deeds and title report. The correct Entry No. is 231818.

DRAWING INDEX

Boundary Survey	Sheet 1
Schedule B Part II Exceptions	Sheet 2
Existing Conditions	Sheet 3

FILE NO. S0009044
05/02/2017 11:41:51 AM
Survey 1 of 3
MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER
FEE $ 60.00 BY ALLIANCE ENGINEERING

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MICHAEL DEMKOWICZ
CHARLES GALATI
MARSHALL KING
STEVE CONANT
RYAN BETZ

DATE: 4/18/17

ALTA/NSPS LAND TITLE SURVEY
BONANZA PARK
KEARNS BOULEVARD & BONANZA DRIVE

FOR: CENTURA BONANZA PARK LLC
JOB NO.: 14-7-16
FILE: X:\Prospector\dwg\srv\srvy2016\140716.dwg

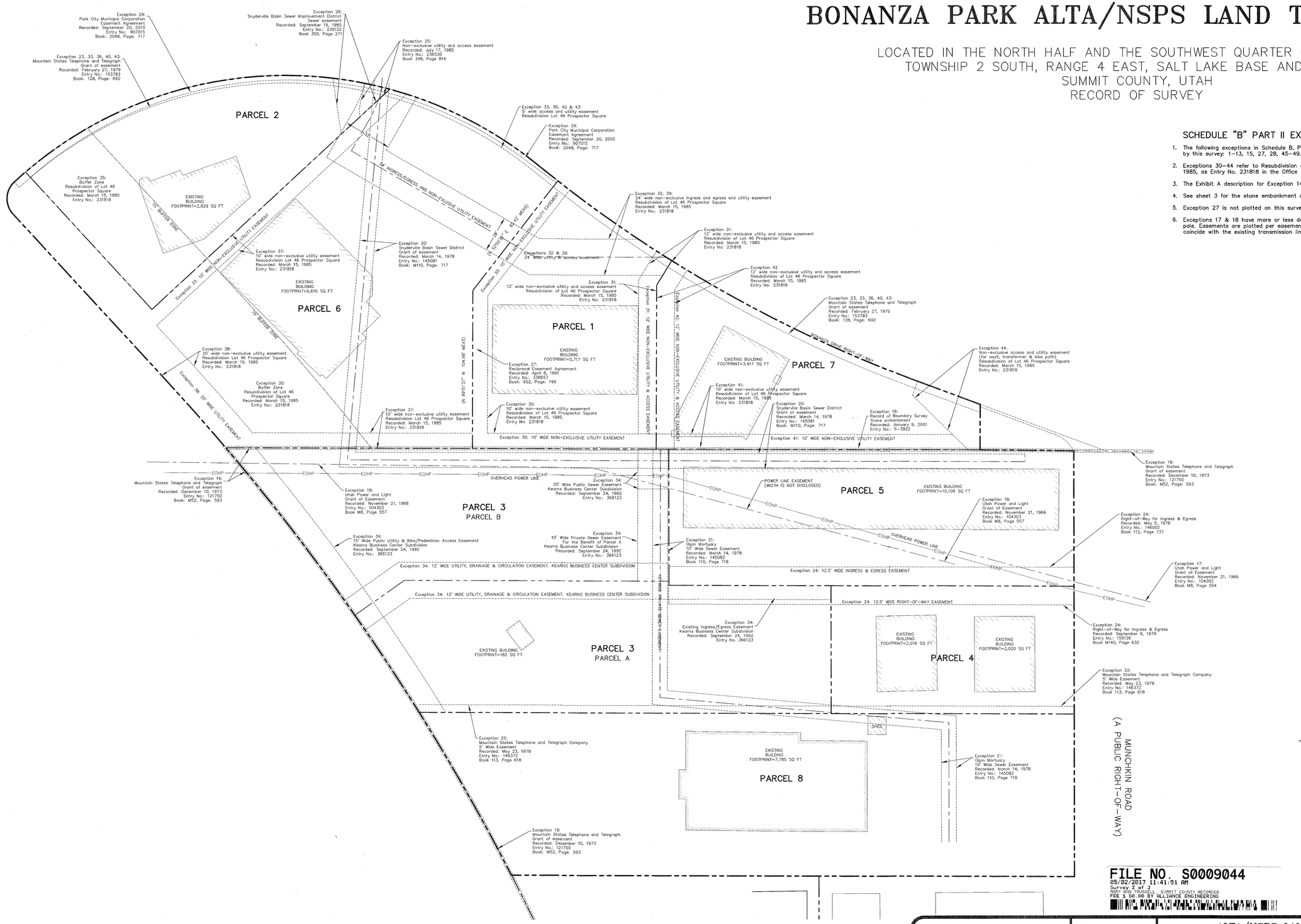
SHEET 1 OF 3

BONANZA PARK ALTA/NSPS LAND TITLE SURVEY

LOCATED IN THE NORTH HALF AND THE SOUTHWEST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH
RECORD OF SURVEY

SCHEDULE "B" PART II EXCEPTIONS

1. The following exceptions in Schedule B, Part 2 of the Title Commitment are not addressed by this survey: 1–13, 15, 27, 28, 45–49.
2. Exceptions 30–44 refer to Resubdivision of Lot 46 Prospector Square, recorded March 15, 1985, as Entry No. 231818 in the Office of the Recorder, Summit County, Utah.
3. The Exhibit A description for Exception 14 is Parcel 2.
4. See sheet 3 for the stone embankment conflict with regard to Exception 16.
5. Exception 27 is not plotted on this survey. Refer to exhibit of recorded document.
6. Exceptions 17 & 18 have more or less descriptions and Exception 17 ties to an existing pole. Easements are plotted per easement description but it appears the intent was to coincide with the existing transmission line.



PROFESSIONAL LAND SURVEYOR
No.7248891
CHARLES GALATI
4/18/2017
State of Utah

FILE NO. S0009044
05/02/2017 11:41:51 AM
Survey 2 of 3
MARY ANN TRUSSELL SUMMIT COUNTY RECORDER
FEE $ 0.00 BY ALLIANCE ENGINEERING

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

STAFF:
MICHAEL DEMKOWICZ
CHARLES GALATI
MARSHALL KING
STEVE CONANT
RYAN BETZ

DATE: 4/18/17

ALTA/NSPS LAND TITLE SURVEY
BONANZA PARK
SCHEDULE "B" PART II EXCEPTIONS

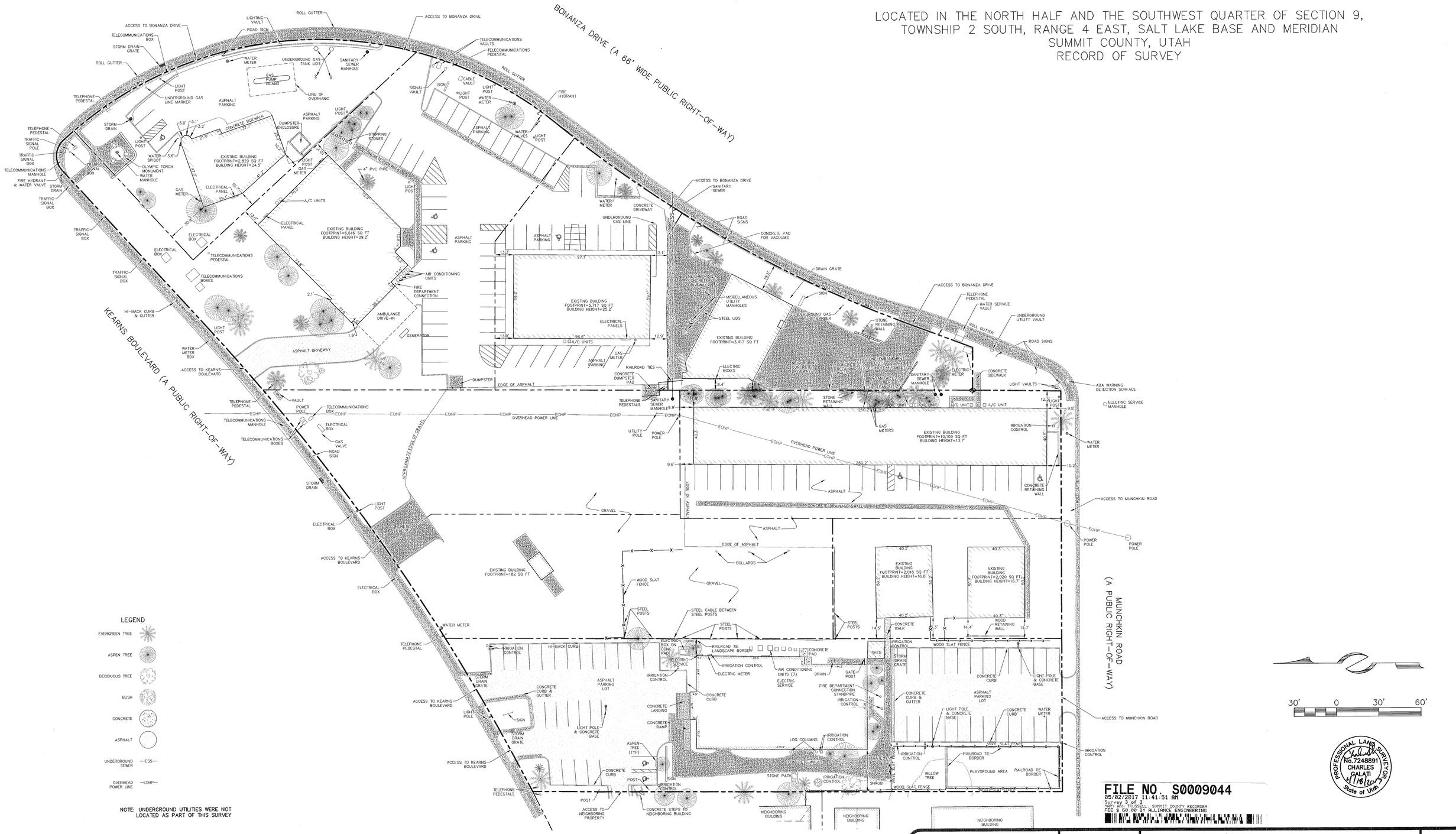
FOR: CENTURA BONANZA PARK LLC
JOB NO.: 14-7-16
FILE: X:\Prospector\dwg\srv\srvy2016\140716.dwg

SHEET 2 OF 3

S-9044

BONANZA PARK ALTA/NSPS LAND TITLE SURVEY

LOCATED IN THE NORTH HALF AND THE SOUTHWEST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
SUMMIT COUNTY, UTAH
RECORD OF SURVEY



LEGEND

- EVERGREEN TREE
- ASPEN TREE
- DECIDUOUS TREE
- BUSH
- CONCRETE
- ASPHALT
- UNDERGROUND SEWER —ESS—
- OVERHEAD POWER LINE —EOHP—

NOTE: UNDERGROUND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY

PROFESSIONAL LAND SURVEYOR
No. 7248891
CHARLES GALATI
4/18/2017
State of Utah

FILE NO. S0009044
05/02/2017 11:41:51 AM
Survey 3 of 3
MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER
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CHARLES GALATI
MARSHALL KING
STEVE CONANT
RYAN BETZ

DATE: 4/18/17

ALTA/NSPS LAND TITLE SURVEY
BONANZA PARK
EXISTING CONDITIONS

FOR: CENTURA BONANZA PARK LLC
JOB NO.: 14-7-16
FILE: X:\Prospector\dwg\srv\srvy2016\140716.dwg

SHEET 3 OF 3

S-9044


CAFE


CAFE


SHOP
RETAIL
SHOPPING


RESTAURANT
RAILYARD COMMONS
OP
RETAIL


RESTAURANT
RAIL YARD
PARK CITY
RAILYARD COMMONS


RESTAURANT
COMMONS
PARK CITY
1884


RESTAURANT
COMMONS
RAILYARD
SHOP
RETAIL


RESTAURANT
PARK CITY
ONLY
BUS


RESTAURANT


HOT COCOA


HOT COCOA
MORE S'MORES


HOT COCOA
MORE S'MORE


HOT COCOA
MORE SMOK


PARK CITY FEST






PARK CITY FEST


PARK CITY FEST


PARK CITY FES


PARK CITY FEST
SHOPPING
Penneys


ARTS WORKSHOP


ARTS WORKSHOP


SHOPPING
Jenneys


CAFE


CAFE
PARK CITY


CAFE
PARK CITY




5K
PARK CITY FEST

1. **BUILDING HEIGHT**. The Building Height requirements of the Zoning District in which a Master Planned Development is located shall apply, except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts. The Applicant must request a Site-specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings for an increase in Building Height can be made, according to Subsections (1) through (5) below. In order to grant Building Height in addition to that which is allowed in the underlying Zoning District, the Planning Commission must find that:

    1. The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density, including requirements for Facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

        The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone-required Building Height and Density. Please see exhibit f.1, sheet RD-007 graphic illustration.

        The Building Height provides desired architectural variation by incorporating sloped gable façade accents incorporating historic park city design influence to break up flat roof lines. Please see exhibit f.1 sheet RD-006

    2. Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site specific analysis;

        Adjacent uses to the North, East and South sides of the property are separated by public streets and highways. Those adjacent uses are a cemetery to the North, commercial uses, mostly parking, to the East, and an industrial warehouse use to the South that will not be affected due to the wide roadway separation and types of uses.

        The directly adjacent uses on the West edge of the property are Compark Plaza, a light industrial condominium project and the Emporium, a small multi-tenant retail center. Neither of these projects have outdoor uses along the shared property line.

        The project has been designed to mitigate any shadows, loss of solar access, and loss of air circulation due to building orientation, landscaping and increased setbacks. Please see the landscaping plan and the Solar Analysis attached.





3. There is adequate Landscaping and buffering from adjacent Properties and Uses;

   Landscaping and buffering have been provided on all sides of the project.

4. Increased Setbacks and separations from adjacent projects are proposed;

   The setback along the west edge of the project with directly adjacent development has been increased from the required 25 feet to 40 Feet.

5. The additional Building Height results in more than the minimum Open Space required and results in Open Space that is publicly accessible;

   The project provides 62% open space, exceeding the 30% requirement. All open space is publicly accessible (see Sheet RD-004, Exhibit D.7).

6. The additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 15-5, Architectural Review, or the Design Guidelines for Park City's Historic Districts and Historic Sites if the Building is located within the Historic District.

   The building heights incorporate varied roof transitions in compliance with Chapter 15-Architectural Review. See Exhibit F.1, Sheet RD-008 for graphic illustrations of these roof transitions
   .

6.5.26

Purpose for Parking Supply in Excess of Minimum Requirements

The proposed parking supply modestly exceeds the minimum parking requirements of the Land Management Code for the following reasons:

1. Accommodation of Family-Sized Housing Units

The project includes twenty-four (24) three-bedroom residential units. While the Land Management Code requires 1.5 parking spaces per three-bedroom unit, an additional 0.5 space per unit has been provided to better accommodate anticipated household compositions, including families and shared living arrangements. This parking supply helps ensure that parking demand generated by residents can be accommodated on-site and reduces the potential for parking impacts on adjacent streets and properties.

2. Support for Community-Serving Uses and Public Amenities

The project includes publicly accessible community gathering spaces, arts and cultural facilities, event areas, and other community-serving amenities intended to benefit both residents and the broader community. A modest parking surplus provides flexibility to accommodate varying parking demand associated with these uses while maintaining efficient site operations and minimizing the potential for overflow parking into surrounding neighborhoods and commercial areas.

3. Support for a Mixed-Use Development Pattern

The project combines residential, commercial, arts, childcare, and community uses within a compact, walkable environment. While parking demand for these uses will vary throughout the day, the parking supply has been designed to support the project's mix of uses and provide operational flexibility during periods when multiple uses may be active simultaneously. This approach helps ensure that parking needs can be accommodated on-site while supporting the project's overall functionality.

4. Consistency with Transportation and Mobility Goals

The project is designed to support the City's long-term transportation and mobility objectives through enhanced pedestrian connections, bicycle facilities, transit-supportive street design, and a compact mixed-use development pattern. The site layout accommodates planned transit improvements, including future dedicated transit lanes along Bonanza Drive, and is intended to encourage walking, biking, and public transit use.

The modest parking surplus is not intended to increase vehicle dependence or induce additional traffic demand. Rather, it reflects a balanced approach that accommodates anticipated parking needs while supporting a gradual transition toward greater use of alternative transportation modes. Providing adequate on-site parking also helps reduce the likelihood of parking demand being displaced onto surrounding public streets and neighboring properties.

Council Policy Direction

Throughout the project's public review process, City Council discussed the importance of providing sufficient on-site parking to support residents, employees, customers, and community-serving uses while

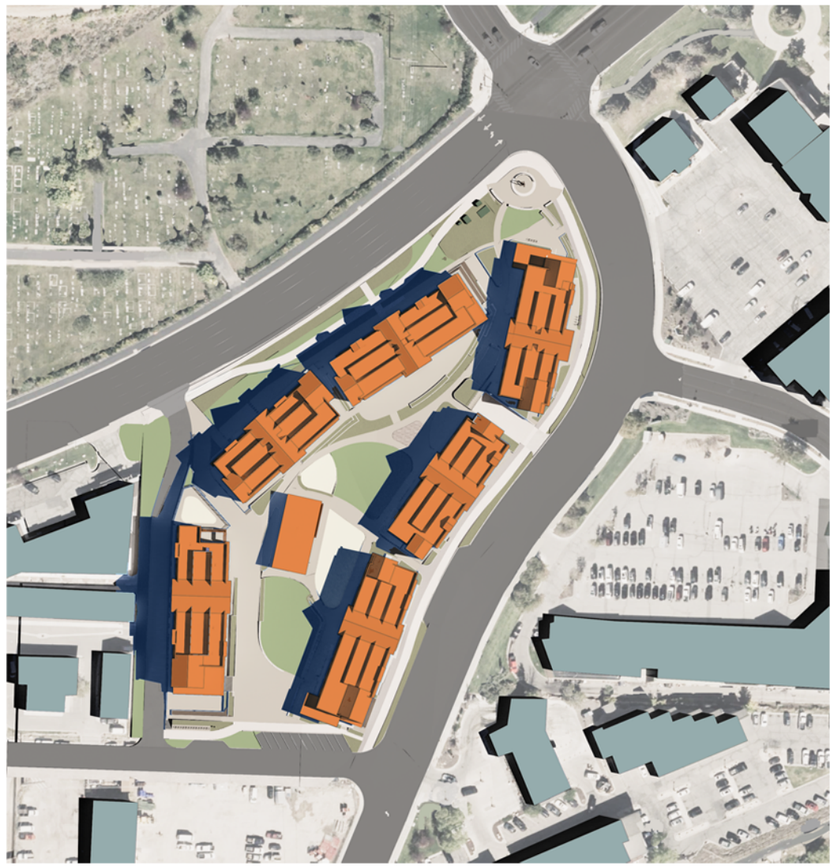
encouraging the use of public transportation and minimizing parking impacts on surrounding properties and public streets. The proposed parking supply reflects this policy direction and the feedback received during public discussions regarding the appropriate balance between supporting alternative transportation modes and accommodating anticipated parking needs. The resulting parking plan is intended to support the project's mixed-use character and community benefits while remaining consistent with the City's broader goals for walkability, transit use, and transportation choice.

Overall, the proposed parking supply supports the project's housing, community-serving, arts, childcare, and commercial uses while balancing the City's objectives related to mobility, neighborhood compatibility, and long-term transportation sustainability.

BONANZA 5-ACRE SITE: SOLAR ANALYSIS

SPRING + FALL EQUINOXES
MARCH 21 + SEPTEMBER 21

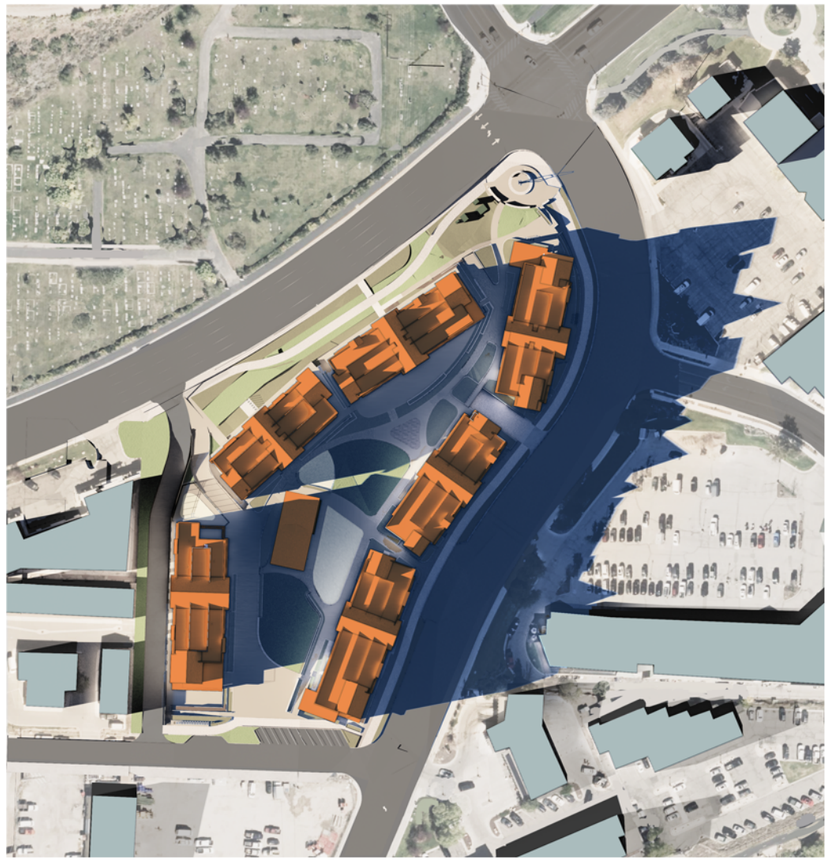
9:00 AM



NOON



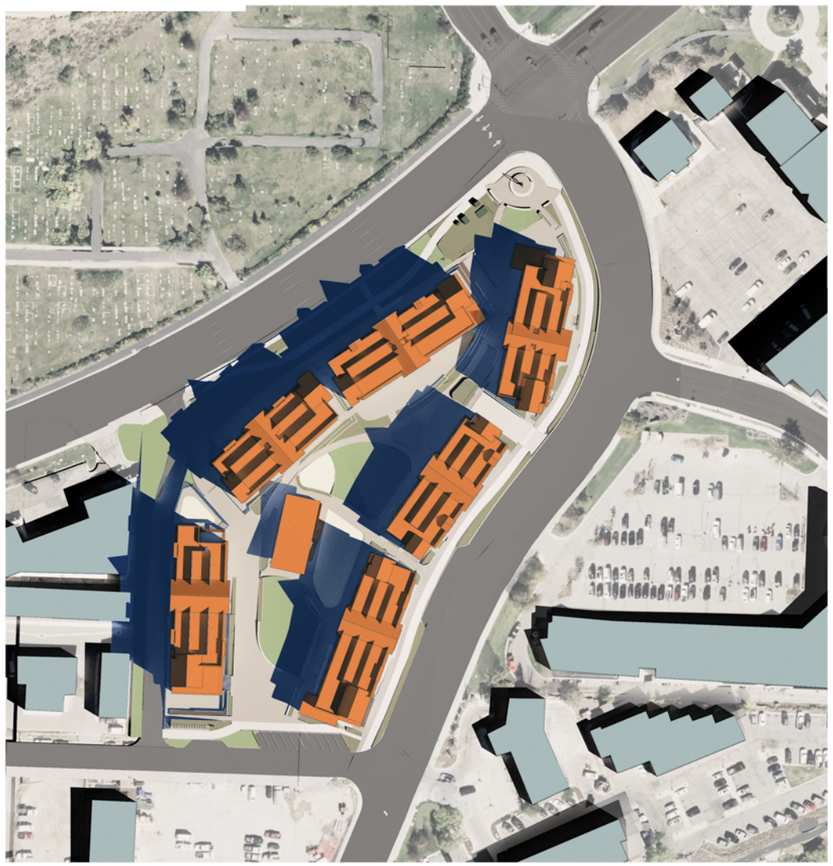
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BONANZA 5-ACRE SITE: SOLAR ANALYSIS

SUMMER SOLSTICE
JUNE 21

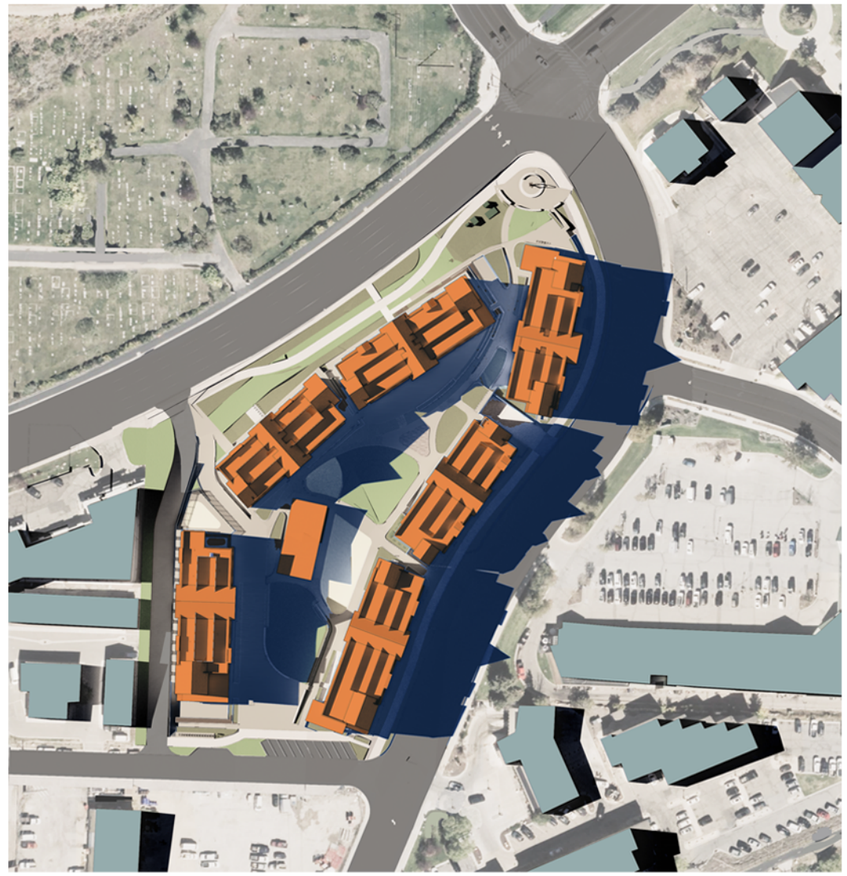
9:00 AM



NOON



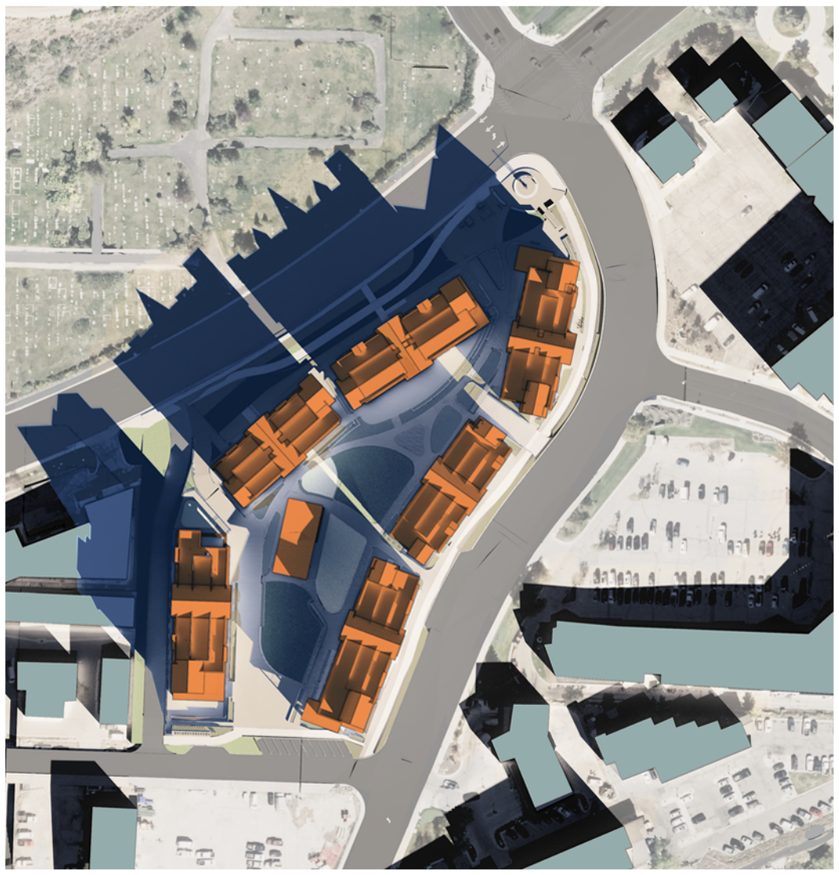
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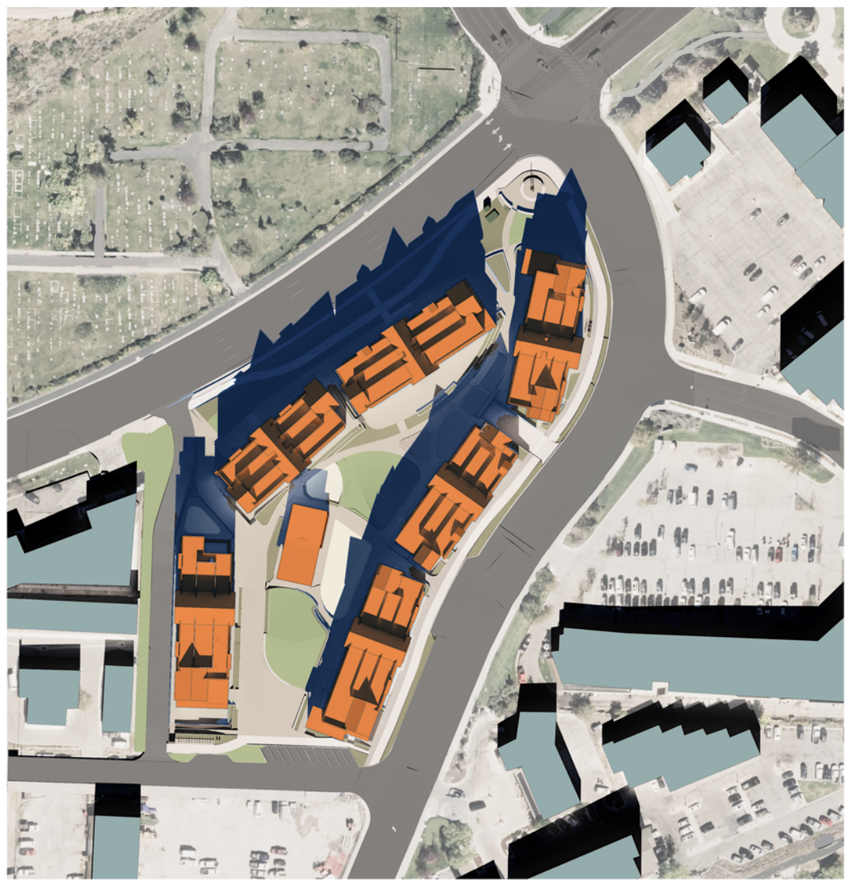
BONANZA 5-ACRE SITE: SOLAR ANALYSIS

WINTER SOLSTICE
DECEMBER 21

9:00 AM



NOON



5:00 PM



SUN BEHIND MOUNTAIN BY ~ 3:00PM

Alec Barton

From: planning
Sent: Thursday, May 14, 2026 8:13 AM
To: Nannette Larsen; Alec Barton
Subject: FW: 5 acres project

From: Mindy Fauntleroy [redacted]
Sent: Wednesday, May 13, 2026 5:43 PM
To: planning <planning@parkcity.gov>
Subject: 5 acres project

My name is Mindy Fauntleroy a resident of Park City 84060. I am writing to express my 3 top concerns over the use of this property.
1. Traffic issues need to be addressed preferable a traffic study conducted during season during the morning and late PM hours.
2. The environmental impact and cost associated with building high density housing underground garages.
3. Need for more open space and to be able to celebrate and appreciate our Mountains. There are no parks within a mile of the area surrounding the 5 Acres.

Please take these issues up for consideration. As a resident, these concerns are very important to me and to our community at large.

All the best,
Mindy Fauntleroy

Planning Commission
Staff Report

Subject: **1900 Park Avenue**
Application: **PL-26-06948**
Author: **Lillian Zollinger, Planner III**
Date: **June 24, 2026**
Type of Item: **Conditional Use Permit**

Recommendation

(I) Review the proposed Temporary Improvements for a seasonal outdoor produce stand, (II) conduct a public hearing, and (III) consider approving the Conditional Use Permit based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant:	Poly Bros LLC CC: Cari Tagge
Location:	1900 Park Avenue, Squatters Roadhouse Grill
Zoning District:	General Commercial, Frontage Protection Zone
Adjacent Land Uses:	Commercial, Trails, Recreation
Reason for Review:	The Planning Commission reviews and takes Final Action on Conditional Use Permits.[1]

CUP	Conditional Use Permit
FPZ	Frontage Protection Zone
GC	General Commercial
LMC	Land Management Code

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Background

1900 Park Avenue is a 1.03-acre Lot in the Roadhouse Subdivision and part of the Bonanza Park Neighborhood within the General Commercial (GC) Zoning District and Frontage Protection Zone (FPZ). The Applicant proposes installing a Temporary tent and Structures on the site to sell produce during the summer months.

[1] LMC § 15-1-8(G)

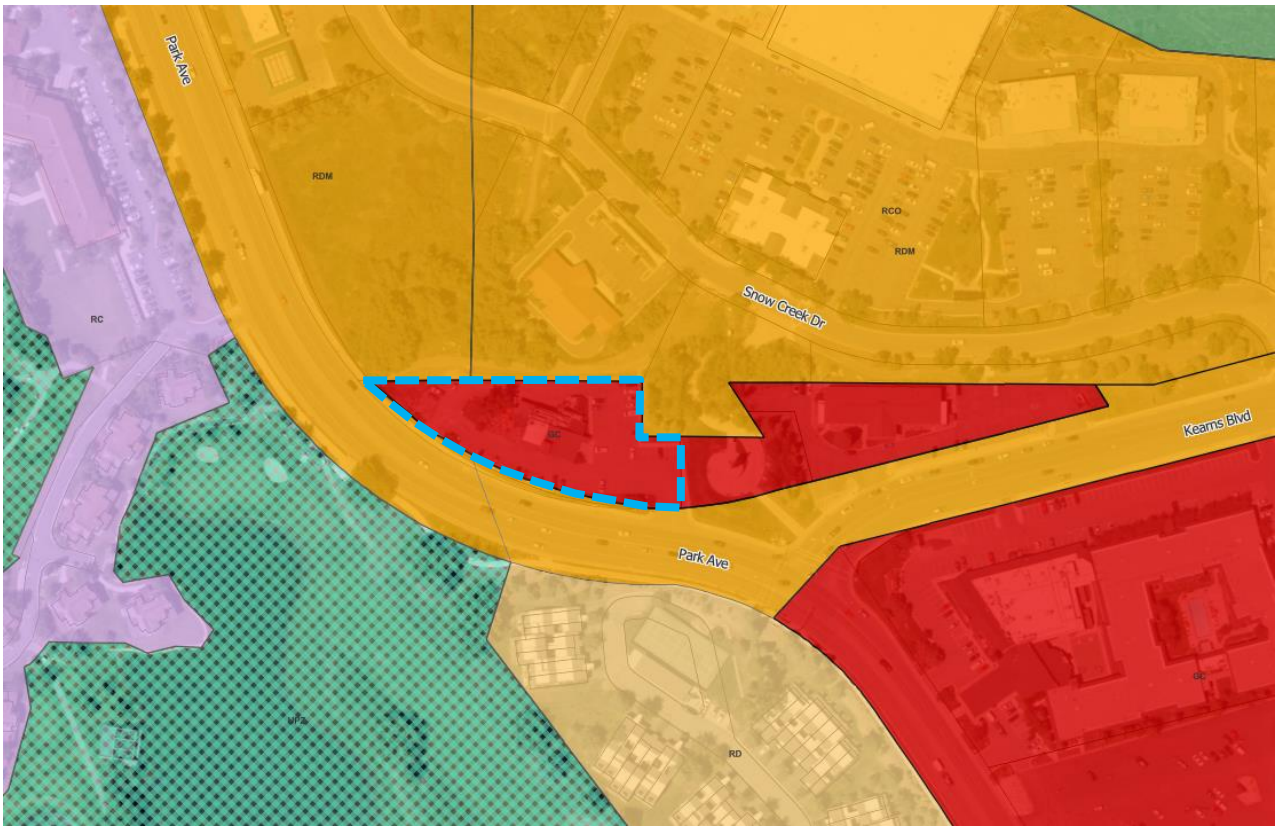


Figure 1: 1900 Park Avenue outlined in blue by Staff on an excerpt from the Zoning Map.

The site has contained a café since the 1930s and is now the Roadhouse Grill. On June 28, 1990, the Planning Commission approved Outdoor Dining for what was the Mt. Air Café at that time (Exhibit C). On May 25, 2017, the Planning Commission approved a Conditional Use Permit (CUP) adding additional Outdoor Dining for Squatters Roadhouse Grill (see Exhibit D), which is the site's current Use. On August 2, 2018, the City Council adopted Ordinance No. 2018-45, approving the Roadhouse Subdivision (see Exhibit B).



Figure 2: 1900 Park Avenue shown on Google maps, proposed location outlined in orange by Staff.



Figure 3: Applicant's proposed site plan with the proposed temporary tent shown in orange.

1900 Park Avenue is accessible by vehicles via Park Avenue and by foot and bike via the McLeod Creek Trail. The Applicant proposes installing a temporary food stand under a 10-foot by 20-foot temporary tent (200-square feet) 30 feet from Park Avenue to cover the food stand. The tent will be held down by eight 100-gallon water jugs and require a Fire Permit (see Condition of Approval 5). The following items will be arranged under the temporary tent: up to six tables, one shelving unit, one handwashing station, three small trash cans, and cinderblocks for a corn pallet. There will be a four-foot by four-foot crate just outside the tent to store supplies each night. The Applicant proposes operating the food stand on no more than two Parking Spaces from 10:00 am to 6:00 pm every day from June 15 to October 15.



Figure 4: Image provided by the Applicant of the 10-foot by 20-foot tent with the temporary tables underneath.

Analysis

(I) The proposed Temporary Improvements comply with the General Commercial Zoning District requirements outlined in Land Management Code Chapter 15-2.18.

One of the purposes of the GC Zoning District is to "allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas."[2]

Temporary Improvements require an Administrative Conditional Use Permit (ACUP)[3] in the GC Zoning District. Land Management Code (LMC) § 15-15-1 defines Temporary Improvements as, "[a] Structure built, or installed, and maintained during construction of a Development, or during a Special Event or activity and then removed prior to release of the performance Guarantee. Does not include temporary storage units, such as PODS or other similar structures used for temporary storage that are not related to a Building Permit for construction of a Development and are not part of an approved Special Event or activity."

Food carts/stands are included in the definition of a Food Truck Location outlined in LMC § 15-15-1. Food Truck Locations require an administrative approval letter[4] and compliance with LMC § 15-4-25 (see Condition of Approval 6 and Exhibit E).

The Applicant proposes installing a 10-foot by 20-foot Temporary tent with Temporary Structures underneath for the summer months to sell produce. LMC § 15-2.18-4 outlines the Lot and Site requirements for the GC Zoning District:

Requirement	Analysis of Proposal
Front Setback	See FPZ analysis in Section II
Rear Setback – 10 feet	**Complies –** The proposed Temporary Improvements will be more than 20 feet from the Rear Property line.
Side Setbacks – 10 feet	**Complies –** The proposed Temporary Improvements will be more than 20 feet from the Side Property lines.

LMC § 15-2.18-4 outlines the maximum Building Height for the GC Zoning District at 35 feet from Existing Grade. The Temporary tent is 15 from Existing Grade, the tallest Temporary Improvement, and compliant with this provision.

(II) The proposed Temporary Improvements comply with the Frontage Protection Zone requirements outlined in Land Management Code Chapter 15-2.20.

[2] LMC § 15-2.18-1(A)
[3] LMC § 15-2.18-2(B)(26)
[4] LMC § 15-2.18-2(A)(30)

LMC § 15-2.20-1 states two of the FPZ's purposes are to "preserve Park City's scenic view corridors," and "preserve and enhance the rural resort character of Park City's entry corridor."

LMC § 15-2.20-4 states, "[r]egardless of the zone Setback and Yard requirements, except as otherwise provided herein, no Structure shall be allowed within thirty feet (30') of the nearest highway Right-of-Way." LMC § 15-2.20-4(B) states, "[a]ll Construction Activity, including permanent signs, in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line requires a Conditional Use permit and is subject to all applicable review criteria as stated in Section 15-1-10. Review of projects within the FPZ shall include design review criteria as stated in LMC Chapter 15-5."

The Temporary Improvements are proposed 30 feet from the nearest Right-of-Way (ROW) line and require a Conditional Use Permit (CUP).

(III) The proposed Temporary Improvements comply with the Off-Street Parking requirements outlined in Land Management Code Chapter 15-3.

LMC § 15-3-6(B) requires one parking space per employee and two guest spaces for Temporary Improvements. The Applicant proposes one employee on the site at any time; therefore, the parking requirement is three parking spaces.

On May 25, 2017, the Planning Commission approved a Conditional Use Permit for Outdoor Dining for the site. The Findings of Fact included the following:

> "13. The site plan shows 63 existing off-street parking spaces, which exceeds the off-street parking requirement for a restaurant and bar at a ratio of 1 space per 100 square feet of net leasable floor area.
> 14. The parking spaces adjacent to the SR-224 right-of-way are legal non-complying, as they fall within an area 30 feet in width that the FPZ stipulates shall be a landscaped buffer area. The existing landscaped buffer area abutting SR-224 is also legal non-complying as it is not 30 feet in width, but was added through past approvals" (see Exhibit D).

The Staff report outlines that 56 spaces were required for that Application, leaving a surplus of seven spaces.

The Applicant proposes to use two parking spaces for the Temporary Improvement Structures and three spaces for employee and guest parking. The total proposed Parking Spaces to be used is five, which complies with the requirement of the proposed Use and with the required amount of parking on the site for the existing Uses, leaving two spaces for an additional parking buffer.

(IV) The proposal, as conditioned, complies with the Conditional Use Permit criteria outlined in Land Management Code Section 15-1-10(E).

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Commission shall approve a Conditional Use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards. The Planning Commission may deny the Conditional Use if the proposed Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards. LMC § 15-1-10.

CUP Review Criteria	Analysis of Proposal
Size and location of the Site	**Complies:** The proposed location and Use of the Temporary Improvements are subordinate to the existing Restaurant. The Temporary Improvements will not take up more than two parking spaces (324 square feet).  *Figure 5: Site plan provided by the Applicant, showing the scale of the temporary structure in comparison to the existing structure.*
Traffic considerations including capacity of the existing Streets in the Area	**Complies:** The Traffic Impact Study Guidelines state that a study is required when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour or other analysis hour at the discretion of Park City staff. The proposed Temporary Structures are not anticipated to generate 25 or more net new vehicle trips during weekday AM or PM peak hours.
Utility capacity, including Storm Water run-off	**Complies:** The Applicant does not propose any utility connections. On June 2, 2026, the Water and Sewer Departments confirmed the proposal complies with their required standards. The

	Applicant will have a small handwashing station but shall retain all water and remove it from the site (see Condition of Approval 10).
Emergency vehicle Access	**Condition of Approval Recommended:** On June 2, 2026, the Park City Fire District confirmed the proposal complies with their required standards. A Fire Permit is required (see Condition of Approval 5).
Location and amount of off-Street parking	**Complies:** There are seven available parking spaces on site more than those required for the Restaurant/Outdoor Dining Uses. The Applicant proposes using five of those seven.
Internal vehicular and pedestrian circulation system	**Complies:** The proposed Temporary Structures will take up existing surplus parking spaces but will not impede the internal vehicular and pedestrian circulation.
Fencing, Screening, and landscaping to separate the Use from adjoining Uses	**Complies:** There are no proposed fences or screens.
Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots	**Complies:** The proposed Temporary Improvements are proposed to be installed June 15 through October 15 (123 days) each year.
Usable Open Space	**Complies:** The area for the proposed Temporary Improvements is on existing surplus parking spaces.
Signs and lighting	**Condition of Approval Recommended:** Any proposed Signs require a Sign Application and compliance with Municipal Code of Park City Title 12 *Sign Code*. Any proposed lights must comply with dark sky requirements outlined in LMC § 15-5-5(N) (see Conditions of Approval 3 and 4).
Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing	**Complies:** The proposed Structures are subordinate to the primary Structure and are made of metal and plastic.
Noise, vibration, odors, steam,	**Condition of Approval Recommended:** There

or other mechanical factors that might affect people and Property Off-Site	are no proposed speakers or anticipated detrimental effects regarding noise, vibrations, or odors (see Condition of Approval 9).
Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Area	**Condition of Approval Recommended:** The Applicant will bring the produce to the site at 9:00 AM and remove the produce at 6:00 PM each day and shall not obscure more than seven Parking Spaces (see Condition of Approval 8). There will be no deliveries throughout the day, except for Wednesdays, with one delivery occurring between 3:00 PM and 4:00 PM for limited Community Supported Agriculture boxes.
Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities	**Complies:** The Applicant submitted proof that Property Owners have approved of the Use on their site.
Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site	**No mitigation required:** The proposal is not within Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, or Steep Slopes.
Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding	**Complies:** Community Character Strategy 1E of the General Plan is to, "[s]upport the continued success of the multi-seasonal tourism economy while preserving the community character." The proposed Use supports existing infrastructure during the summer tourism season. The Bonanza Park Small Area Plan outlines Local Goal 2, "[l]imit conventional chain businesses to prioritize locally owned and unique retailers/ restaurants in Bonanza Park" and User-Friendly Goal 2, "[w]hen considering development proposals, encourage multiple connections through Bonanza Park to create a more walkable and interconnected block system." The proposed Use is accessible by bike and foot on the McLeod

	Creek Trail.
Radon mitigation; the Planning Director or Planning Commission shall require residential Conditional Uses to include the installation of a basic radon remediation system that allows for the installation of a radon remediation air handler if or when radon mitigation is required for the space in accordance with residential building codes	**No mitigation required:** The proposed Temporary Structures are for Commercial Use.

(V) The Development Review Committee reviewed the proposal on June 2, 2026, and requires a Condition of Approval.[5]

The PCFD requires Condition of Approval 5, wherein a Fire Permit for the 200-square-foot tent is required.

Department Review

The Planning and Executive Departments and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on June 10, 2026. Staff mailed courtesy notice to property owners within 300 feet on June 10, 2026. The *Park Record* published courtesy notice on June 10, 2026.[6]

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

The Planning Commission may:

- Approve the Conditional Use Permit.
- Deny the Conditional Use Permit and direct staff to make Findings for the denial.
- Request additional information and continue the discussion to date certain.

[5] The Development Review Committee meets the first and third Tuesday of each month to review and provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Enbridge Gas, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).
[6] LMC § 15-1-21

Exhibits

A: Draft Final Action Letter
    Attachment 1 - Proposed Plans
B: Roadhouse Subdivision
C: June 28, 1990 Conditional Use Permit Final Action Letter
D: May 25, 2017 Conditional Use Permit
E: Draft Administrative Letter

Planning Department

June 24, 2026

Cari Tagge

CC: Poly Bros, LLC

NOTICE OF PLANNING COMMISSION ACTION

Description

Address:	1900 Park Avenue
Zoning District:	General Commercial, Frontage Protection Zone
Application:	Conditional Use Permit
Project Number:	PL-26-06948
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	June 24, 2026
Project Summary:	The Applicant proposes installing Temporary Improvements, including a Temporary Tent in the General Commercial Zoning District and Frontage Protection Zone.

Action Taken

On June 24, 2026, the Planning Commission conducted a public hearing and approved the Conditional Use Permit (CUP) according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval.

Background

1. On August 2, 2018, the City Council adopted Ordinance No. 2018-45, approving the Roadhouse Subdivision.
2. 1900 Park Avenue is a 1.03-acre Lot in the Roadhouse Subdivision within the Bonanza Park Neighborhood.
3. The site is in the General Commercial (GC) Zoning District and Frontage Protection Zone (FPZ).
4. The Applicant proposes installing Temporary Improvements including a 200-square-foot Temporary Tent, eight 100-gallon water jugs, tables, a crate, small trash cans, and shelving unit on the site to sell produce during the summer months.

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Findings of Fact

1. The Development Review Committee reviewed the proposal on June 2, 2026, and confirmed the proposal complies with their required standards.
2. Land Management Code (LMC) Chapter 15-2.18 outlines the General Commercial Zoning District requirements.
    a. The Front Setback is regulated by the FPZ requirements.
    b. The Rear Setback requirement is 10 feet.
        i. The proposed Temporary Improvements will be more than 20 feet from the Rear Property line.
    c. The Side Setback requirements are 10 feet.
        i. The proposed Temporary Improvements will be more than 20 feet from the Side Property lines.
    d. The maximum Building Height is 35 feet.
        i. The proposed Temporary Improvements will not exceed 15 feet in height.
3. LMC Chapter 15-2.20 outlines the Frontage Protection Zone requirements.
    a. LMC § 15-2.20-4(B) requires a CUP for all Construction in the FPZ Setback Area between 30 feet and 100 feet from the nearest Right-of-Way line.
        i. The Temporary Improvements are proposed 30 feet from the nearest Right-of-Way (ROW) line and require a CUP.
4. LMC Chapter 15-3 outlines Off-Street Parking requirements.
    a. LMC § 15-3-6(B) requires one parking space per employee and two guest spaces for Temporary Improvements. The Applicant proposes one employee on the site at any time; therefore, the parking requirement is three parking spaces.
    b. The existing Restaurant and Outdoor Dining Use on site requires 56 parking spaces.
    c. The site currently has 63 parking spaces.
    d. The Applicant proposes to use two parking spaces for the Temporary Improvements and three spaces for employee and guest parking. The total proposed Parking Spaces to be used is five, which complies with the requirement of the proposed Use and with the required amount of parking on the site for the existing Uses.
5. LMC Section 15-1-10(E) outlines the criteria for Conditional Use Permits:

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CUP Review Criteria	Analysis of Proposal
Size and location of the Site	**Complies:** The proposed location and Use of the Temporary Improvements are subordinate to the existing Restaurant. The Temporary Improvements will not take up more than two parking spaces (324 square feet).
Traffic considerations including capacity of the existing Streets in the Area	**Complies:** The Traffic Impact Study Guidelines state that a study is required when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour or other analysis hour at the discretion of Park City staff. The proposed Temporary Structures are not anticipated to generate 25 or more net new vehicle trips during weekday AM or PM peak hours.
Utility capacity, including Storm Water run-off	**Complies:** The Applicant does not propose any utility connections. On June 2, 2026, the Water and Sewer Departments confirmed the proposal complies with their required standards. The Applicant will have a small handwashing station but shall retain all water and remove it from the site (see Condition of Approval 10).
Emergency vehicle Access	**Condition of Approval Recommended:** On June 2, 2026, the Park City Fire District confirmed the proposal complies with their required standards. A Fire Permit is required (see Condition of Approval 5).
Location and amount of off-Street parking	**Complies:** There are seven available parking spaces on site more than those required for the Restaurant/Outdoor Dining Uses. The Applicant proposes using five of those seven.
Internal vehicular and pedestrian circulation system	**Complies:** The proposed Temporary Structures will take up existing surplus parking spaces but will not impede the internal vehicular and pedestrian circulation.
Fencing, Screening, and landscaping to separate the	**Complies:** There are no proposed fences or screens.

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Use from adjoining Uses	
Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots	**Complies:** The proposed Temporary Improvements are proposed to be installed June 15 through October 15 (123 days) each year.
Usable Open Space	**Complies:** The area for the proposed Temporary Improvements is on existing surplus parking spaces.
Signs and lighting	**Condition of Approval Recommended:** Any proposed Signs require a Sign Application and compliance with Municipal Code of Park City Title 12 *Sign Code*. Any proposed lights must comply with dark sky requirements outlined in LMC § 15-5-5(N) (see Conditions of Approval 3 and 4).
Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing	**Complies:** The proposed Structures are subordinate to the primary Structure and are made of metal and plastic.
Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site	**Condition of Approval Recommended:** There are no proposed speakers or anticipated detrimental effects regarding noise, vibrations, or odors (see Condition of Approval 9).
Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Area	**Condition of Approval Recommended:** The Applicant will bring the produce to the site at 9:00 AM and remove the produce at 6:00 PM each day and shall not obscure more than seven Parking Spaces (see Condition of Approval 8). There will be no deliveries throughout the day, except for Wednesdays, with one delivery occurring between 3:00 PM and 4:00 PM for limited Community Supported Agriculture boxes. The Applicant shall remove all trash from the site daily (see Condition of Approval 10).

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Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities	**Complies:** The Applicant submitted proof that Property Owners have approved the Use on their site.
Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site	**No mitigation required:** The proposal is not within Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, or Steep Slopes.
Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding	**Complies:** Community Character Strategy 1E of the General Plan is to, "[s]upport the continued success of the multi-seasonal tourism economy while preserving the community character." The proposed Use supports existing infrastructure during the summer tourism season. The Bonanza Park Small Area Plan outlines Local Goal 2, "[l]imit conventional chain businesses to prioritize locally owned and unique retailers/ restaurants in Bonanza Park" and User-Friendly Goal 2, "[w]hen considering development proposals, encourage multiple connections through Bonanza Park to create a more walkable and interconnected block system." The proposed Use is accessible by bike and foot on the McLeod Creek Trail.
Radon mitigation; the Planning Director or Planning Commission shall require residential Conditional Uses to include the installation of a basic radon remediation system that allows for the installation of a radon remediation air handler if or	**No mitigation required:** The proposed Temporary Structures are for Commercial Use.

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when radon mitigation is required for the space in accordance with residential building codes	

Conclusions of Law

1. The proposal, as conditioned, complies with LMC Section 15-1-10(E) *Conditional Use Permit*.
    a. The proposal complies with the requirements of the LMC.
    b. The Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
    c. The effects of any differences in Use or scale have been mitigated through careful planning.
2. The proposal complies with LMC Chapter 15-2.18 *General Commercial Zoning District*.
3. The proposal complies with LMC Chapter 15-2.20 *Frontage Protection Zone*.
4. The proposal, as conditioned, complies with LMC Chapter 15-3 *Off-Street Parking*.

Conditions of Approval

1. Final building plans and construction details shall reflect substantial compliance with the final plans submitted to the Planning Department and reviewed by the Planning Commission on June 24, 2026.
2. The Applicant is responsible for notifying the Planning Department prior to making any changes to the approved plans. Any changes, modifications, or deviations from the approved scope of work shall be submitted in writing for review and approval/denial in accordance with the applicable standards by the Planning Director prior to construction.
3. Any proposed Signs require a Sign Application and approval prior to installation on the site. All Signs require compliance with Municipal Code of Park City Title 12, *Sign Code*. Any unapproved signs installed will be removed from the site.
4. If Outdoor Lighting is proposed to be installed, it must comply with the dark sky code (LMC Section 15-5-5(J)) and Planning Department review and approval is required prior to installation.
5. A Fire Permit is required for the temporary tent.
6. The Applicant shall obtain an administrative approval letter for the Food Truck Location prior to obtaining a building permit or operating on site.
7. The Temporary Improvements shall not be installed until June 15 of each year and shall be removed no later than 5:00 PM on October 15 of each year.
8. The Applicant shall not use more than seven parking spaces on site.

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9. The Use shall comply with the Municipal Code of Park City Chapter 6-3, *Noise*.
10. The Applicant shall retain all handwashing water on site and remove the water and all trash from the site daily.

This Final Action may be appealed pursuant to LMC § 15-1-18. If you have questions or concerns regarding this Final Action Letter, please call (385) 481-2038 or email lillian.zollinger@parkcity.gov.

Sincerely,

Christin Van Dine
Planning Commission Chair

CC: Lillian Zollinger, Project Planner

Attachment 1 – Proposed Plans

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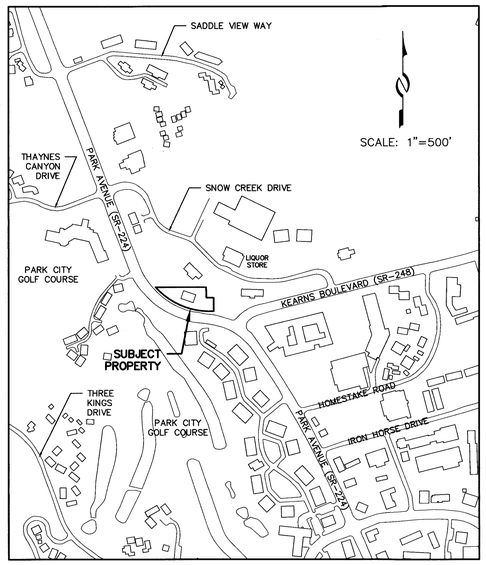
Tagge's Fruit Stand

MAY 25TH 2026



SQUATTERS ROADHOUSE GRILL PARK CITY: *1900 PARK AVE, PARK CITY, UT 84060*
NO BUSINESS WITHIN 100 FEET OF STAND.

VICINITY MAP



OWNER'S CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that, Poly Bros. LLC, a Utah limited liability company, owner of the herein described tract of land, hereby certifies that it has caused this subdivision plat to be made and hereby consents to the recordation of this subdivision plat.

ALSO, the owner hereby irrevocably offers for dedication to Park City and Snyderville Basin Water Reclamation District all the easements shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this 15TH day of OCTOBER, 2018.

By: _____
Tim T. Polychronis, Manager
Poly Bros. LLC, a Utah limited liability company

ACKNOWLEDGMENT

State of UTAH)
: ss.
County of SALT LAKE)

On this 15TH day of OCTOBER, 2018, Tim T. Polychronis personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of Poly Bros. LLC, a Utah limited liability company, and that said document was signed by him on behalf of said limited liability company by authority of its Operating Agreement or Resolution of its Members, and he acknowledged to me that he executed the ROADHOUSE SUBDIVISION.

_____
A Notary Public commissioned in Utah

Kristine Winfield
Printed Name

Residing in: 1985 Britannia Blvd 4th floor Ridgeline UT 84121

My commission expires: October 20, 2021

Commission No: 697850

NOTARY PUBLIC KRISTINE WINFIELD 697850 COMMISSION EXPIRES OCTOBER 20, 2021 STATE OF UTAH

PROFESSIONAL LAND SURVEYOR No.7248891 CHARLES GALATI 10/9/2018 State of Utah

SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land shown on this plat and described hereon, together with easements, hereafter to be known as ROADHOUSE SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

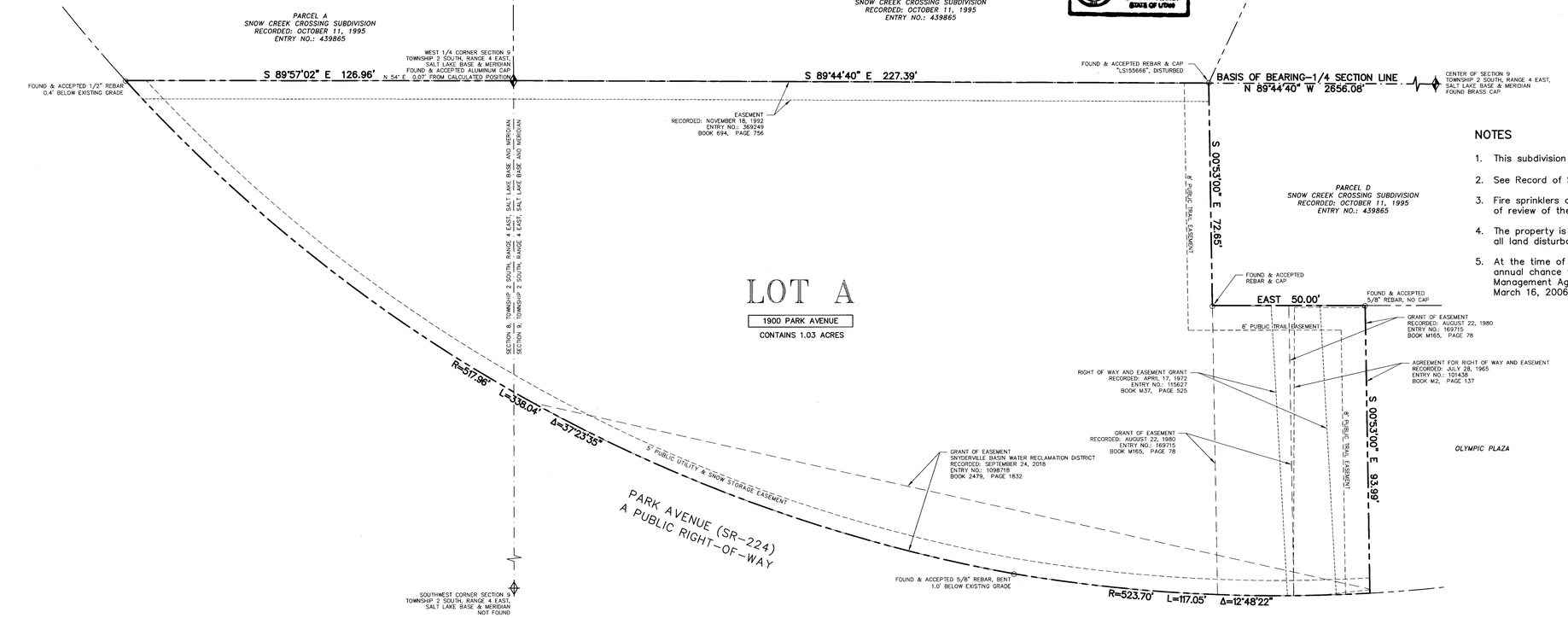
LEGAL DESCRIPTION

Beginning at the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 89°44'40" East 227.39 feet along the section line; thence South 0°53'00" East 72.65 feet; thence East 50.00 feet; thence South 0°53'00" East 93.99 feet to a point on a 523.70 foot radius curve to the right (center bears North 3°13'07" West of which the central angle is 50°31'22"); thence along the arc of said curve 461.79 feet; thence South 89°57'02" East 134.35 feet to the point of beginning.

Less and excepting therefrom those portions conveyed to Utah Department of Transportation in that certain Special Warranty Deed recorded November 29, 1991 as Entry No. 350762 in Book 636 at Page 23 more particularly described as follows:

A parcel of land in fee for the widening of State Route 224 known as Project No. 060, being part of an entire tract of property situate in the Northwest quarter of the Southwest quarter of Section 9 and Northeast quarter of the Southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at a Northwest corner of said entire tract, which point is 134.5 feet deed distance (148.72 feet surveyed distance) North 89°57'02" West from the East quarter corner of said Section 8; thence Southeasterly and Easterly 474.57 feet along the arc of a 522.96 foot radius curve to the left (Note: Tangent to said curve at its point of beginning bears South 42°15'06" East); thence North 82°11'12" West 89.00 feet to a point of tangency with a 517.96 foot radius curve to the right; thence Westerly and Northwesterly 361.02 feet along the arc of said 517.96 foot radius curve to the Northerly boundary line of said entire tract; thence North 89°57'02" West 21.76 feet along said Northerly boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.



NOTES

1. This subdivision plat is subject to the Conditions of Approval in Ordinance 2018-45.
2. See Record of Survey S-9464 in the Summit County Recorder's Office.
3. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit.
4. The property is subject to MS4 storm water requirements, and a MS4 permit is required for all land disturbance activities.
5. At the time of this plat amendment, the property is located in Zone X, Areas of 0.2% annual chance flood, as shown on the Flood Insurance Rate Map of the Federal Emergency Management Agency, Panel 917, Map Number 49043C0917C, and has an effective date of March 16, 2006.

ROADHOUSE SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8
AND THE SOUTHWEST QUARTER OF SECTION 9
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

10/9/18 JOB NO.: 18-4-18 FILE: X:\Prospector\dwg\srv\plat2018\180418.dwg

(435) 649-9467
Alliance Engineering Inc
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 26th DAY OF October, 2018
BY _____ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 11TH DAY OF JULY, 2018
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 20th DAY OF November, 2018
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 27th DAY OF NOVEMBER 2018
BY _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 2ND DAY OF AUGUST, 2018
BY _____ MAYOR

PARK CITY SUMMIT COUNTY UTAH CORPORATE Seal MARCH 1, 1929

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 2ND DAY OF AUGUST, 2018
BY _____ PARK CITY RECORDER

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF Poly Bros LLC
FEE $31.00
RECORDER Kathy J Barnard deputy
TIME 2:17 p.m. DATE 1/4/2019 ENTRY NO. 1104238

ROADHOUSE SUBDIVISION

PARK CITY
1884

Community Development/Engineering
Building and Planning Departments

June 28, 1990

George Polychronis
P. O. Box 1420
Park City, Utah 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: Conditional Use Request for Outdoor Dining at the Mt. Air Cafe

Date of Meeting: June 27, 1990

Action Taken By Planning Commission: APPROVED

Conditions of Approval:

1. The rear of the lot shall be paved before occupancy of the deck is allowed.

2. The use will meet all requirements in terms of Building and Fire Codes and all UBC requirements.

3. This CUP request for the deck is to be renewed annually by the Staff to accommodate the proposed changes to Hwy. 224. In the event of the road widening, the applicant must meet all Land Management Code parking requirements for the outdoor dining use to continue.

4. Final materials, including paint colors, deck furnishings, and lighting shall be approved by the Staff.

5. A final landscape plan shall be approved by the Staff.

6. All signage shall conform to all requirements of the Park City Sign Ordinance.

Date of Expiration: June 27, 1991

Suzanne McIntyre

Suzanne McIntyre, AICP
Senior Planner

6/29/90
Date

ACKNOWLEDGEMENT

I, the undersigned, hereby acknowledge the conditions by which the project referred to above was approved.

Greg E Polyzos

Date _____

NO CONSTRUCTION SHALL BE PERMITTED UNTIL A SIGNED COPY OF THIS LETTER, SIGNIFYING CONSENT TO THE CONDITIONS OUTLINED ABOVE, HAS BEEN RETURNED TO THE PLANNING DEPARTMENT.

PARK CITY
1884
PLANNING DEPARTMENT

May 25, 2017

Salt Lake Brewing Company
Attn: Doug Hofeling
1735 South 300 West
Salt Lake City, UT 84115

cc: Ralph Nagasawa, MJSA Architects

NOTICE OF PLANNING COMMISSION ACTION

Application #	PL-17-03528
Address	1900 Park Avenue
Description	Conditional Use Permit for (CUP) for construction in the Frontage Protection Zone (FPZ) and Outdoor Dining for Squatters Pub
Action Taken	Approved
Date of Action	May 24, 2017

On May 24, 2017, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission Approved your application based on the following:

Findings of Fact:

1. On April 17, 2017, the Planning Department received an application for a Conditional Use Permit (CUP) to allow the Salt Lake Brewing Company to make improvements within the Frontage Protection Zone (FPZ) at Squatters Pub located at 1900 Park Avenue. The applicant also wishes to amend the site's existing Outdoor Dining CUP so that it covers the proposed second dining patio. The application was considered complete on April 21, 2017.
2. The subject property is a metes and bounds parcel that falls within the General Commercial (GC) District and Sensitive Land Overlay (SLO) Zone.
3. The project scope will only affect previously developed areas and will not affect nearby sensitive lands, as conditioned.
4. The entire parcel falls within the FPZ, making all proposed improvements subject to a Conditional Use review.

5. The Land Management Code (LMC) states that, within the FPZ, all construction activity, including permanent signs, within the setback area between thirty feet (30') and one hundred feet (100') from the nearest right-of-way line requires a CUP.
6. The site currently contains one (1) outdoor dining patio area that measures 1,019 square feet in area. The current property owner procured a CUP on June 27, 1990 for outdoor dining on a proposed 1,026 sf patio within the FPZ. Building plans for the referenced deck are stamped approved August 28, 1990.
7. The existing outdoor deck was present when Salt Lake Brewing Company applied for a CUP to convert the building into Squatters Pub from the Mt. Air Café on April 12, 2006.
8. The applicant is proposing to renovate the existing patio and add a second outdoor dining patio that measures 528 square feet, as well as a new covered entryway that will add 51.9 square feet.
9. The new patio will be oriented at an angle, but the corner closest to the right-of-way (SR-224) is proposed to be located 45 feet, 2 ½ inches (45', 2.5") from the right-of-way line. All other improvements are located further back from the right-of-way line, and no construction is proposed to take place within the first 30 feet of the property.
10. The new entryway will be covered with a roof form designed to mimic the main structure's clock tower feature. The two (2) patio areas will be lined with poles that will support shade sails, which are temporary in nature.
11. The applicant is also proposing to expand the area of an existing restroom, which will incorporate 25.6 square feet of space that currently falls within the footprint of the existing patio, reducing the existing patio's area to 993.3 square feet. This will require the bathroom's roof to be extended to the west by approximately 6 feet (6') from the existing gable end.
12. No usable open space area will be affected with this project. The applicant proposes to maintain a landscaped island surrounding the patio areas, similar to the landscaped island currently on-site, as well as the currently landscaped buffer area that runs adjacent to Park Avenue.
13. The site plan shows 63 existing off-street parking spaces, which exceeds the off-street parking requirement for a restaurant and bar at a ratio of 1 space per 100 square feet of net leasable floor area.
14. The parking spaces adjacent to the SR-224 right-of-way are legal non-complying, as they fall within an area 30 feet in width that the FPZ stipulates shall be a landscaped buffer area. The existing landscaped buffer area abutting SR-224 is also legal non-complying as it is not 30 feet in width, but was added through past approvals.
15. The proposed additions shall not affect vehicular and pedestrian circulation of the site, or utilize currently usable open space, as they will not occupy any area that is not already developed.
16. The proposal meets all setback, height, and design requirements of the GC District and FPZ sections of the LMC.

17. On May 10, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on May 10th.
18. The Findings in the Analysis Section are incorporated herein.
19. This application has been reviewed under LMC §15-1-10(E) for Conditional Use Permits, as well as LMC §15-2.18-10(B)(1) Outdoor Dining.

Conclusions of Law:

1. The application satisfies all Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16), as well as LMC §15-2.18-10(B) Outdoor Dining;
2. The Use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation;
3. The Application complies with all requirements of the LMC; and
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval for the Proposed Improvements:

1. The scope of this approval includes the renovation of the existing outdoor patio that measures 1,019 square feet in area, as well as the construction of a second patio measuring 528 square feet, and a new covered entryway measuring 51.9 square feet. An existing restroom will also be expanded, enclosing 25.6 sf of the existing outdoor patio area.
2. The second patio area, which is proposed to be oriented at an angle, shall be setback a minimum of 45 feet, 2 ½ inches (45', 2.5") from the SR-224 right-of-way line.
3. All other improvements shall comply with the minimum front, side, and rear yard setback requirements found in LMC §15-2.18.3, GC District Lot and Site Requirements.
4. The proposed covered entryway and roof extension over the restroom addition shall comply with the maximum building height for the GC District of 35 feet, measured from existing grade.
5. No existing parking spaces shall be altered or removed as part of this project.
6. Per LMC §15-3, all parking shall take place on hard-surfaced areas. The applicant shall either formalize the parking to the rear of the building currently utilized by employees, or have employees park in already-established parking areas.
7. The existing curb cut/entry point to the southeast of the building shall be signed as "right turn only" due to its close proximity to the SR-224/SR-248 intersection.
8. All significant vegetation removed as part of construction shall be replaced as shown on page 154 of the May 24, 2017 Planning Commission packet, to have no less than a 3 inch (3") caliper, diameter breast high.
9. The applicant must take measures to mitigate storm water runoff into the adjacent creek that originates from the unpaved area to the rear of the building

often used for parking. This shall be required as part of the building permit application.

10. The applicant must apply for and procure a Building Permit from the Building Department prior to construction of the approved improvements, and plans shall be consistent with the plans reviewed by the Planning Commission on May 24, 2017.
11. The applicant shall not receive a Certificate of Occupancy for the improvement areas described above unless a plat amendment application to create a one-lot subdivision from the current metes and bounds parcel has been received by the Planning Department and deemed to be a complete application.
12. The final plat amendment shall be recorded with Summit County within one (1) year on this CUP approval.

Conditions of Approval for Outdoor Dining:

1. The proposed seating area shall be entirely located on private property and shall not diminish existing parking or landscaping.
2. The proposed seating area shall not impede pedestrian circulation.
3. The proposed seating area shall not impede emergency access or circulation.
4. The proposed furniture shall be compatible with the streetscape.
5. No music or noise in excess of the City Noise Ordinance, Title 6, is permitted.
6. Outdoor Dining shall not take place after 10 p.m.

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5063 or ashley.scarff@parkcity.org.

Sincerely,

Ashley Scarff
Planning Technician

Planning Commission
Staff Report

PARK CITY 1884
PLANNING DEPARTMENT

Subject: 1900 Park Avenue
Conditional Use Permit (CUP) for construction in the Frontage Protection Zone (FPZ) and Outdoor Dining for Squatters Pub
Project Number: PL-17-03528
Author: Ashley Scarff, Planning Technician
Date: May 24, 2017
Type of Item: Administrative - CUP

Summary Recommendation

Staff recommends that the Planning Commission reviews the request for a Conditional Use Permit (CUP) for construction within the Frontage Protection Zone (FPZ) and outdoor dining for Squatters Pub located at 1900 Park Avenue, conducts a public hearing, and considers approving the CUP based on the findings of fact, conclusions of law, and conditions of approval found in this staff report.

Description

Applicant:	Poly Bros, LLC (owner) and Salt Lake Brewing Company (lessee), represented by Ralph Nagasawa, MJSA Architects
Location:	1900 Park Avenue
Zoning:	General Commercial (GC) District, Frontage Protection Zone (FPZ), Sensitive Land Overlay (SLO) Zone
Adjacent Land Uses:	Commercial to the north, Olympic Welcome Plaza to the east, City golf course and condominiums to the west and south
Reason for Review:	In the FPZ, all construction activity within the setback area between thirty feet (30') and one hundred feet (100') from the nearest right-of-way line requires a CUP with Planning Commission review and approval.

Proposal

This application is a request for a CUP to allow the Salt Lake Brewing Company to renovate an existing outdoor patio area, construct a second outdoor dining patio area with a new exterior entryway, as well as expand an existing restroom at Squatters Pub located at 1900 Park Avenue. The application also includes a request to modify an existing outdoor dining CUP so that it covers the second patio area.

Background

On April 17, 2017, the Planning Department received an application for a CUP to allow Salt Lake Brewing Company to make improvements within the FPZ at Squatters Pub located at 1900 Park Avenue. The proposal includes the renovation of an existing outdoor patio area, the construction of a second outdoor patio area with a new exterior entryway, as well as the expansion of an existing restroom into the existing outdoor patio area. The applicant also wishes to modify the site's current outdoor dining CUP so that it covers the second patio, once constructed. The application was considered complete on April 21, 2017.

The subject property is a metes and bounds parcel that falls within the GC District. The site is also located within the SLO zone but the project scope will only affect previously developed areas. The City Engineer has conditioned this approval so that any potential storm water runoff stemming from unpaved parking areas to the rear of the lot does not reach the adjacent creek. This issue will need to be addressed during the building permit application process.

The entire parcel falls with the FPZ, making all improvements subject to a Conditional Use review. **Per LMC §15-2.20**, the FPZ is an overlay zone that includes properties with frontage on, and within 100 feet (100') of the right-of-way line of the following streets:

A. ***Park Avenue, SR 224, from 15th Street north to the City Limits,***
B. *Marsac Avenue, SR 224, from its upper intersection with Prospect Avenue to the south City limits,*
C. *Kearns Boulevard, SR 248, from Park Avenue east to the east City limits, and*
D. *Deer Valley Drive from Park Avenue to Heber Avenue, the SR 224 Belt Route.*

The purpose of the FPZ is to:

A. *preserve Park City's scenic view corridors,*
B. *preserve and enhance the rural resort character of Park City's entry corridor,*
C. *provide a significant landscaped buffer between Development and highway Uses,*
D. *minimize curb cuts, driveways and Access points to highways,*
E. *allow for future pedestrian and vehicular improvements along the highway corridors.*

The following sections of the LMC apply to this proposal:

LMC §15-2.20-4 FPZ Lot and Site Requirements

A. *Regardless of the zone Setback and Yard requirements, except as otherwise provided herein, no Structure shall be allowed within thirty feet (30') of the nearest highway Right-of-Way. An exception to this requirement shall be granted for two (2) municipal identification signs, one within the Utah State Highway 224 entry corridor, and the other within the Utah State Highway 248 entry corridor, provided that Park City Municipal Corporation is the Applicant and subject to approval pursuant to Municipal Code Section 12-9-1(L).*

B. *All Construction Activity, including permanent signs, in the Setback Area between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way line requires a Conditional Use permit and is subject to all applicable review criteria as stated in Section 15-1-10. Review of projects within the FPZ shall include design review criteria as stated in LMC Chapter 15-5.*

LMC §15-2.18.3 General Commercial (GC) District Lot and Site Requirements

	LMC Requirement	Proposed
Front Yard Setback/Landscaping	FPZ requires landscaped buffer 30' in width abutting street	There is a non-complying landscaped buffer along SR-224 (see analysis below), but all existing/proposed improvements have 45', 2.5" minimum front yard setback, *legal noncomplying.*
Rear Yard Setback	10'	Approx. 23' minimum, *complies.*
Side Yard Setback	10'	Minimum of approx. 70' on eastern side (site has one side yard), *complies.*
Building Height	35' from existing grade	Entry roof form and roof extension over restroom addition range from 16'8" – 17'3" in height, *complies.*

The site currently contains one (1) outdoor dining patio that measures 1,019 square feet (sf) in area. The current property owner procured a CUP on June 27, 1990 for outdoor dining on a proposed 1,026 sf patio within the FPZ, and staff found building plans stamped approved on August 28, 1990, for the deck described in the CUP application (Exhibit D).

A patio with similar dimensions and location was present when Salt Lake Brewing Company applied for a CUP to convert the building into Squatters Pub from the Mt. Air Café on April 12, 2006. The 2006 CUP request and approval included the following scope of work (Exhibit E).

- Update of the building exterior;
- Relocation of main entrance and ADA ramping;
- Reconfiguration of parking, snow storage, and circulation patterns;
- Addition of pedestrian sidewalks to connect surrounding land uses;
- Bringing the exterior lighting into compliance;
- Enhancement to the outdoor landscaping;
- Complete interior remodel of kitchen, dining, and lower level storage areas.

The applicant is proposing to renovate the existing 1,019 sf patio and add a second outdoor dining patio area that measures 528 sf, as well as a new entryway with an area of 51.9 sf (see site plans, Exhibit A). The new patio area will be oriented at an angle, but the corner closest to the right-of-way (SR-224) is proposed to be located 45 feet, 2 ½ inches (45', 2.5") from the right-of-way line. All other improvements are located further back from the Park Avenue right-of-way line, and meet additional setback and height requirements of the GC District, as outlined in the Land Management Code (LMC). No new construction is proposed within the first 30' of the property, in accordance with requirements of the FPZ.

The new entryway will be covered by a small roof form and designed to mimic the main building's existing clock tower feature, but will be significantly lower in height at

approximately 16'8" from existing grade. The perimeter of both patios will be lined with poles to support sail shades (refer to elevation sheet, Exhibit A).

The applicant is also proposing to expand the area of an existing restroom, which will incorporate 25.7 sf of space that currently falls within the existing outdoor patio area, reducing the patio from 1,019 sf to 993.3 sf. This will require the bathroom's roof to be extended to the west by about six feet (6') from the existing gable end. The new roof form will be an extension of the existing roof, and will not exceed the main structure's height (refer to roof plan sheet, Exhibit A).

As evidenced in the table above, Staff finds that all proposed improvements meet the setback and height requirements of the General Commercial (GC) District, as outlined in the Land Management Code (LMC).

Last, the applicant wishes to maintain the outdoor dining use on the existing patio, but modify the permit so that it allows for outdoor dining on the proposed second patio as well. This is typically an administrative action reviewed and approved by staff.

Analysis

This proposal must be weighed against the CUP review criteria found in LMC §15-1-10(E), #1-16.

LMC §15-1-10 Conditional Use Review Process

E. REVIEW. *The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:*

1. *Size and location of the Site;*

The applicant is proposing to renovate the existing 1,019 sf patio and add a second outdoor dining patio area that measures 528 sf, as well as a new covered entryway that will add 51.9 sf of area. The patio improvements will be located within an existing landscaped island. The new patio will be oriented at an angle, but the corner closest to the right-of-way (SR-224) is proposed to be located 45 feet, 2 ½ inches (45', 2.5") from the right-of-way line. The applicant is also proposing to expand an existing restroom area, which will utilize space that currently falls within the existing patio's footprint, reducing the 1,019 sf patio to 993.3 sf. All proposed additions greatly exceed minimum setback requirements from all property lines as stipulated in the LMC. **No Unmitigated Impacts.**

2. *Traffic considerations including capacity of the existing Streets in the Area;*

The proposed patio, entryway, and restroom expansion shall have no direct impacts on traffic counts or capacity of streets in the area. The City Engineer has conditioned this approval so that the applicant signs the curb cut/exit to the southeast of the building as "right turn only" due to its close proximity to the SR-224/SR-248 intersection. **No Unmitigated Impacts.**

3. *Utility capacity, including Storm Water run-off*;

The proposed improvements shall not require additional utility capacity. The applicant is proposing to maintain a landscaped island around the patio area that is similar to the existing configuration, which will retain storm water runoff originating from the project area. The City Engineer has conditioned this approval so that the applicant is responsible for mitigating storm water runoff into the adjacent creek that may originate from the unpaved parking area to the rear of the building. A Building Permit must be issued by the Building Department prior to construction. **No Unmitigated Impacts.**

4. *Emergency vehicle Access*;

The proposed improvements will not occupy any area that is not already developed. There shall be no negative impacts affecting emergency vehicle access to the site. **No Unmitigated Impacts.**

5. *Location and amount of off-Street parking*;

The submitted site plan shows 63 existing off-street parking spaces. The spaces located adjacent to the SR-224 right-of-way are legal non-complying, as they fall within an area 30 feet (30') in width abutting the street that the FPZ stipulates shall be a landscaped buffer area. The current landscaped buffer is also legal non-complying as it does not have a width of 30', but was added through past approvals.

The proposed project will not eliminate any of the 63 shown parking spaces. Per LMC §15-3-6(B) Parking Ratio Requirements for Non-Residential Uses, the parking requirements for a restaurant and bar is one (1) space per 100 sf of net leasable floor area, which includes kitchen areas but excludes common hallways, mechanical and storage areas, parking, and restrooms. The main building contains 3,920.4 sf of net leasable floor area, which results in a requirement of 40 off-street parking spaces. There is no minimum parking requirement provided in the LMC for Outdoor Dining, but it is based on a site specific review. Even if the total patio area (1,521.3 sf) was held to the standard restaurant parking requirement of 1 space per 100 sf, it would only add a further requirement of 16 spaces, making the total parking required for the site amount to 56 spaces. Considering the existing 63 spaces provided, Staff concludes that the site currently contains more off-street spaces than needed.

In observing the site, staff has found that Squatters employees currently utilize an unpaved area behind the building for parking. Because this violates LMC §15-3 Off-Street Parking, staff has conditioned this approval so the applicant may either formalize that rear parking area by making it hard-surfaced, or employees shall utilize already-established parking areas on-site. **No Unmitigated Impacts.**

6. *Internal vehicular and pedestrian circulation system;*

The proposed additions shall not affect internal vehicular and pedestrian circulation of the site, as they will not occupy any area that is not already developed. The pedestrian

and bicycle pathways to the east of the property will not be affected in any way. **No Unmitigated Impacts.**

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;

The new patio area will have a short wall around its perimeter that is designed to match that of the existing outdoor patio. There will also be sail shade structures erected over both patios, which will contain associated noise such as customers' voices.

The applicant is proposing to maintain a landscaped island around the outdoor dining area, which will be similar to the landscaping already on-site (refer to site photos, attached). All trees to be removed as part of this project will be replaced in-kind along the outer perimeter of the new patio. **No unmitigated impacts.**

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

The proposed patio additions are not technically buildings, but they will be subordinate to the main structure on-site, and greatly exceed minimum front, side, and rear yard setback area requirements. **No unmitigated impacts.**

9. Usable Open Space;

No 'usable' open space will be affected with this project. The new patio addition will occupy a grassy landscaped island that currently has no use beyond storm water retention. **No unmitigated impacts.**

10. Signs and lighting;

No signage or lighting is being proposed with this application. **No unmitigated impacts.**

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

The patio and entryway additions complement the existing main structure, and will incorporate matching building materials and color schemes. The new entryway will mimic the clock tower feature found on the main restaurant building, but at a smaller scale. **No unmitigated impacts.**

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

Due to the restaurant's location along highly-trafficked SR-224 with surrounding commercial uses, this is an ideal location for an outdoor dining use and its associated noise impacts. Outdoor diners' voices may be heard from adjacent properties, but the patios are designed with walls and shade structures that will retain a lot of the noise on-site, and competing noise from SR-224 will be diminished for diners with such

structures, to a certain level. No other undesirable factors should result from this specific project. **No unmitigated impacts.**

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;

Not applicable, as the proposed project will not affect the existing flow of delivery and service vehicles, loading and unloading zones, or trash and recycling pickup areas. **No unmitigated impacts.**

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities;

Not applicable, as the primary use of the site and its ownership will not change. **No unmitigated impacts.**

15. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the topography of the Site; and

The subject parcels falls outside of the Soils Ordinance Boundary, so no soils remediation is required. As mentioned above, the property does lie within the Sensitive Land Overlay (SLO) District, but because the project will only affect previously-developed areas, Staff has determined that there will be no negative impact on nearby sensitive lands resulting from this project. The City Engineer has conditioned this approval so that the applicant takes further mitigation measures to protect the adjacent creek from storm water runoff from the unpaved parking area to the rear of the building. The site is located within FEMA Flood Zone X. **No unmitigated impacts.**

16. reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

The project proposal supports the following elements of the 2014 Park City General Plan:

Sense of Community Goal 12: Economic Diversity and Stability

Objective A: *Retain and expand existing Park City businesses;*

Objective C: *Support local owned, independent businesses that reflect the core values of Park City and add to the Park City experience.* **Consistent.**

Staff also finds that the outdoor dining experience, like that existing and proposed at Squatters Pub, contributes to the vibrancy of the resort character of Park City.

Process
Approval of this application constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review
This project has gone through an interdepartmental review, and any issues raised have been addressed with conditions of approval.

Notice
On May 10, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on May 10th.

Public Input
As of the publish date of this report, no public input has been received by Staff. Public comment will be taken at the regularly scheduled meeting on March 24, 2017.

Alternatives
1. The Planning Commission may approve the CUP as proposed and conditioned; or
2. The Planning Commission may deny the CUP and direct staff to prepare findings supporting this recommendation; or
3. The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts
There are no significant negative fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation
The CUP request will be denied, and the Salt Lake Brewing Company will not be able to renovate the existing patio, construct a second outdoor dining patio, exterior entryway, or expand an existing restroom for Squatters Pub located at 1900 Park Avenue. There would not be a need to amend the existing Outdoor Dining permit to incorporate the second patio area.

Recommendation
Staff recommends that the Planning Commission reviews the request for a Conditional Use Permit (CUP) for construction within the Frontage Protection Zone (FPZ) and outdoor dining for Squatters Pub located at 1900 Park Avenue, conducts a public hearing, and considers approving the CUP based on the findings of fact, conclusions of law, and conditions of approval found in this staff report.

Findings of Fact:
1. On April 17, 2017, the Planning Department received an application for a Conditional Use Permit (CUP) to allow the Salt Lake Brewing Company to make improvements within the Frontage Protection Zone (FPZ) at Squatters Pub located at 1900 Park Avenue. The applicant also wishes to amend the site's existing Outdoor Dining CUP so that it covers the proposed second dining patio. The application was considered complete on April 21, 2017.
2. The subject property is a metes and bounds parcel that falls within the General

Commercial (GC) District and Sensitive Land Overlay (SLO) Zone.

3. The project scope will only affect previously developed areas and will not affect nearby sensitive lands, as conditioned.
4. The entire parcel falls within the FPZ, making all proposed improvements subject to a Conditional Use review.
5. The Land Management Code (LMC) states that, within the FPZ, all construction activity, including permanent signs, within the setback area between thirty feet (30') and one hundred feet (100') from the nearest right-of-way line requires a CUP.
6. The site currently contains one (1) outdoor dining patio area that measures 1,019 square feet in area. The current property owner procured a CUP on June 27, 1990 for outdoor dining on a proposed 1,026 sf patio within the FPZ. Building plans for the referenced deck are stamped approved August 28, 1990.
7. The existing outdoor deck was present when Salt Lake Brewing Company applied for a CUP to convert the building into Squatters Pub from the Mt. Air Café on April 12, 2006.
8. The applicant is proposing to renovate the existing patio and add a second outdoor dining patio that measures 528 square feet, as well as a new covered entryway that will add 51.9 square feet.
9. The new patio will be oriented at an angle, but the corner closest to the right-of-way (SR-224) is proposed to be located 45 feet, 2 ½ inches (45', 2.5") from the right-of-way line. All other improvements are located further back from the right-of-way line, and no construction is proposed to take place within the first 30 feet of the property.
10. The new entryway will be covered with a roof form designed to mimic the main structure's clock tower feature. The two (2) patio areas will be lined with poles that will support shade sails, which are temporary in nature.
11. The applicant is also proposing to expand the area of an existing restroom, which will incorporate 25.6 square feet of space that currently falls within the footprint of the existing patio, reducing the existing patio's area to 993.3 square feet. This will require the bathroom's roof to be extended to the west by approximately 6 feet (6') from the existing gable end.
12. No usable open space area will be affected with this project. The applicant proposes to maintain a landscaped island surrounding the patio areas, similar to the landscaped island currently on-site, as well as the currently landscaped buffer area that runs adjacent to Park Avenue.
13. The site plan shows 63 existing off-street parking spaces, which exceeds the off-street parking requirement for a restaurant and bar at a ratio of 1 space per 100 square feet of net leasable floor area.
14. The parking spaces adjacent to the SR-224 right-of-way are legal non-complying, as they fall within an area 30 feet in width that the FPZ stipulates shall be a landscaped buffer area. The existing landscaped buffer area abutting SR-224 is also legal non-complying as it is not 30 feet in width, but was added through past approvals.
15. The proposed additions shall not affect vehicular and pedestrian circulation of the site, or utilize currently usable open space, as they will not occupy any area that is not already developed.
16. The proposal meets all setback, height, and design requirements of the GC District and FPZ sections of the LMC.
17. On May 10, 2017, the property was posted and notice was mailed to affected property owners within 300 feet. Legal notice was also published in the Park Record on May

10th.

18. The Findings in the Analysis Section are incorporated herein.
19. This application has been reviewed under LMC §15-1-10(E) for Conditional Use Permits, as well as LMC §15-2.18-10(B)(1) Outdoor Dining.

Conclusions of Law:

1. The application satisfies all Conditional Use Permit review criteria as established by the LMC's Conditional Use Review process (§15-1-10(E), Criteria 1-16), as well as LMC §15-2.18-10(B) Outdoor Dining;
2. The Use, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation;
3. The Application complies with all requirements of the LMC; and
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval for the Proposed Improvements:

1. The scope of this approval includes the renovation of the existing outdoor patio that measures 1,019 square feet in area, as well as the construction of a second patio measuring 528 square feet, and a new covered entryway measuring 51.9 square feet. An existing restroom will also be expanded, enclosing 25.6 sf of the existing outdoor patio area.
2. The second patio area, which is proposed to be oriented at an angle, shall be setback a minimum of 45 feet, 2 ½ inches (45', 2.5") from the SR-224 right-of-way line.
3. All other improvements shall comply with the minimum front, side, and rear yard setback requirements found in LMC §15-2.18.3, GC District Lot and Site Requirements.
4. The proposed covered entryway and roof extension over the restroom addition shall comply with the maximum building height for the GC District of 35 feet, measured from existing grade.
5. No existing parking spaces shall be altered or removed as part of this project.
6. Per LMC §15-3, all parking shall take place on hard-surfaced areas. The applicant shall either formalize the parking to the rear of the building currently utilized by employees, or have employees park in already-established parking areas.
7. The existing curb cut/entry point to the southeast of the building shall be signed as "right turn only" due to its close proximity to the SR-224/SR-248 intersection.
8. All significant vegetation removed as part of construction shall be replaced in-kind on site.
9. The applicant must take measures to mitigate storm water runoff into the adjacent creek that originates from the unpaved area to the rear of the building often used for parking. This shall be required as part of the building permit application.
10. The applicant must apply for and procure a Building Permit from the Building Department prior to construction of the approved improvements, and plans shall be consistent with the plans reviewed by the Planning Commission on May 24, 2017.
11. The applicant shall not receive a Certificate of Occupancy for the improvement areas described above unless a plat amendment application to create a one-lot subdivision from the current metes and bounds parcel has been received by the

Planning Department and deemed to be a complete application.

12. The final plat amendment shall be recorded with Summit County within one (1) year on this CUP approval.

Conditions of Approval for Outdoor Dining:

1. The proposed seating area shall be entirely located on private property and shall not diminish existing parking or landscaping.
2. The proposed seating area shall not impede pedestrian circulation.
3. The proposed seating area shall not impede emergency access or circulation.
4. The proposed furniture shall be compatible with the streetscape.
5. No music or noise in excess of the City Noise Ordinance, Title 6, is permitted.
6. Outdoor Dining shall not take place after 10 p.m.

Exhibits

Exhibit A – Plans (Survey of Existing Conditions, Floor Plans, Roof Plan, Elevations)
Exhibit B – Current Plat
Exhibit C – Site Photos
Exhibit D – Outdoor Dining CUP approved June 27, 1990 (Action Letter & Minutes) with Approved Building Plans for Existing Deck stamped August 28, 1990
Exhibit E – CUP for Renovation approved April 12, 2006 (Staff Report & Minutes)

Planning Department

June 24, 2026

Poly Bros LLC
CC: Cari Tagge

PLANNING DIRECTOR ADMINISTRATIVE APPROVAL LETTER

RE: Determination of Food Vendor Location
PL-26-06926

Action Taken By Planning Director: The Planning Director APPROVED the Food Vendor Location at 1900 Park Avenue according to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The proposed Food Vendor Location is at 1900 Park Avenue in the General Commercial (GC) Zoning District and Frontage Protection Zone (FPZ).
2. Pursuant to LMC § 15-2.18-2(A)(30), a Food Vendor Location is an Allowed Use in the GC Zoning District once a Food Vendor Location approval is issued.
3. The Applicant proposes a Food Vendor Location on existing, non-code required Parking Spaces (see Exhibit A).
4. The proposed Food Vendor Location:
    a. Does not occupy code required parking areas.
    b. Does not impede safe movement of vehicular and pedestrian traffic, snow removal, parking lot circulation, or access to any public alley, access easement, sidewalk, or pathway.
    c. Is on a concrete area.
    d. Does not create outdoor seating.
5. The Applicant states that there will not be outdoor seating or lighting.

Conclusions of Law

1. The Food Vendor Location, as conditioned, complies with LMC § 15-2.18-2, *Uses.*
2. The Food Vendor Location, as conditioned, complies with LMC § 15-4-25, *Mobile Businesses.*
3. The Food Vendor Location complies with LMC § 15-3-6(B), *Parking Ratio Requirements For Specific Land Use Categories.*

Conditions of Approval

1. The Food Vendor Location must:

a. Not have a drive-through.
b. Not operate later than 10:00 p.m.
c. Not have amplified music or noise that is produced in a way that violates the City Noise Ordinance, found in PCMC Chapter 6-3.
d. Affix approved signs (PL-26-06XXX) to the Temporary Structures. No other signs or lighting are allowed.
e. Provide a way to dispose of, or take off-site, any waste or materials related to the business.
f. Comply with the Zoning District regulations.
g. Not be located within 10 feet of the extension of any building entranceway, doorway, or emergency egress or as otherwise established by the Park City Fire District and Fire Marshal.
h. Not generate traffic in a volume that creates a need for parking greater than that which can be accommodated on the Site consistent with the parking requirements or which is inconsistent with the normal parking usage of the district.

2. The Food Vendor Location is approved to operate every day of the week from 10:00 am to 6:00 pm.
3. This approval is conditioned upon Conditional Use Permit (CUP) approval for Temporary Improvements installed for longer than 14 days and in the Frontage Protection Zone (PL-26-06948). Any modifications to the CUP may require a modification to this administrative letter.
4. Modifications to the project require a modification application submittal to the Planning Department, payment of application fee, review for compliance with required standards, and Planning and Building Department approval.

   Please contact the Planning Department with questions or concerns at planning@parkcity.org.

Sincerely,

Rebecca Ward
Planning Director

CC: Lillian Zollinger, Project Planner

Exhibit
A: Proposed Food Vendor Location

Tagge's Fruit Stand

MAY 25TH 2026



SQUATTERS ROADHOUSE GRILL PARK CITY: *1900 PARK AVE, PARK CITY, UT 84060*
NO BUSINESS WITHIN 100 FEET OF STAND.

Planning Commission
Staff Report

Subject: **Stag Lodge Phase III**
8200 Royal Street Unit 47
Application: **PL-26-06933**
Author: **Jaron Ehlers, Planner I**
Date: **June 24, 2026**
Type of Item: **Condominium Plat Amendment**

Recommendation

(I) Review the Stag Lodge Phase III Unit 47 Plat Amendment to enclose a 127.8-square-foot portion of a Deck, (II) conduct a public hearing, and (III) consider approving the Plat Amendment based on the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Draft Final Action Letter (Exhibit A).

Description

Applicant:	Preston Walsh Megan Blosser, Alliance Engineering, Applicant Representative
Location:	8200 Royal Street Unit 47
Zoning District:	Estate, Sensitive Land Overlay
Adjacent Land Uses:	Condominiums, Deer Valley Ski Resort
Reason for Review:	The Planning Commission reviews and takes Final Action on Plat Amendments.[1]

LMC Land Management Code
SLO Sensitive Land Overlay

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Background

8200 Royal Street Unit 47 is in the Stag Lodge Phase III Condominium (Summit County Recorder Entry No. 333684) in the Estate Zoning District, the Sensitive Land Overlay (SLO), and the Upper Deer Valley General Plan Neighborhood.

[1] LMC § 15-7.1-3



Figure 1: Unit 47 is highlighted by the red circle.

The Applicant proposes to expand the size of their living room by enclosing a 127.8-square-foot portion of a Deck.

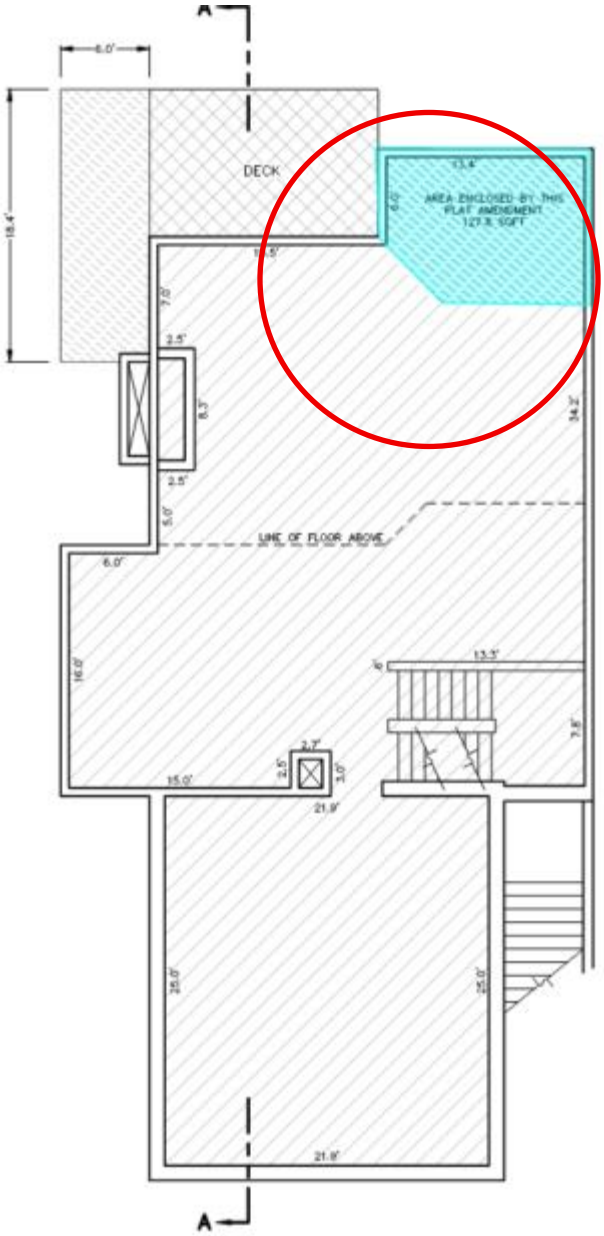


Figure 2: Area modified by the proposed Plat Amendment shown by the blue area.

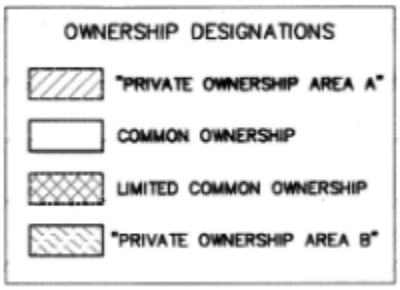
Unit 47 was created by the Stag Lodge Phase III First Amended Plat recorded on December 3, 1990 (Summit County Recorder Entry #333684).

On January 17, 2003, the Stag Lodge Phase III Third Amended Plat was recorded (Summit County Recorder Entry #645061). The Plat Amended the lower-level Deck and a portion of the main level Deck from Limited Common Ownership to Private Ownership

Area B. It also included a Plat Note preventing Private Area B from being used to create a lockout unit or additional bedrooms.

On November 21, 2012, the Stag Lodge Phase III Fifth Amended Plat was recorded (Summit County Recorder Entry #957624). It converted portions of the Unit that had been previously listed as unexcavated to Private Ownership Area B. It also established a square footage table which called out the square footage of Areas A and B. It failed to accurately call out the square footage Area B on the main level.

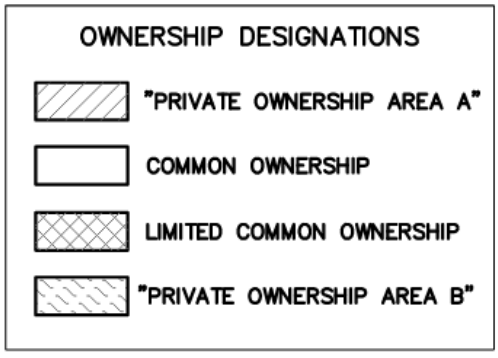
As a result, the area proposed to be enclosed for Unit 47 was already converted from Limited Common to Private Ownership Area B in the Fifth Amended Plat but it was not properly noted on the table outlining the square footages for the Unit. LMC § 15-7.1-3(B) states a Plat Amendment is "[t]he combining of existing subdivided Lots into one or more Lots, any recombination of historically platted Properties located within either the Park City/Millsite or Snyder's Addition surveys, Full Boundary Adjustments, or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations." Because this is a platted element, the Applicant proposes a Plat Amendment to correct the square footage table.



SQUARE FOOTAGE, UNIT 47

	AREA "A"	AREA "B"
BASEMENT LEVEL	N/A	1019.5
LOWER LEVEL	964.4	534.1
MAIN LEVEL	1775.9	N/A
UPPER LEVEL	627.2	N/A
TOTAL	3367.5	1553.6
GRAND TOTAL	4921.1	

Figure 3: Table from the Fifth Amended Plat showing the lack of proper square footage.



SQUARE FOOTAGE, UNIT 47

	AREA "A"	AREA "B"
BASEMENT LEVEL	N/A	1019.5
LOWER LEVEL	964.4	534.1
MAIN LEVEL	1775.9	127.8
UPPER LEVEL	627.2	N/A
TOTAL	3367.5	1681.4
GRAND TOTAL	5048.9	

Figure 4: Table from the proposed Plat showing the 127.8 square feet that was converted to Private Ownership Area B.



Figure 5: The existing structure as seen from the southwest. The proposed area to be enclosed is shown in blue.



Figure 6: Eastern view of the Unit with the proposed area to be enclosed shown in blue.

Analysis

(I) The proposed Plat Amendment complies with the Estate Zoning District requirements in Land Management Code Chapter 15-2.10.

LMC § 15-2.10-1 states the purpose of the Estate Zoning District:

1. Allow very low density, environmentally sensitive residential Development which:
    a. preserves ridge tops, meadows, and visible hillsides,
    b. preserves large, cohesive, unbroken Areas of Open Space and undeveloped land,
    c. preserves and incorporates wetlands, drainage ways, and intermittent streams as amenities of Development,
    d. mitigates geologic and flood hazards,
    e. protects views along the City's entry corridors, and
    f. decreases fire risk by keeping Development out of sensitive wild land interface Areas.
2. Incorporate pedestrian trail linkages between and through neighborhoods; and
3. Encourage comprehensive, efficient, Compatible Development which results in distinct and cohesive neighborhoods through application of the Sensitive Lands

Ordinance.

The Applicant proposes to enclose a portion of an existing Deck, which is already platted as Private ownership area. The purpose of the Plat Amendment is to correct an issue with the square footage table. Nothing proposed will affect the Setbacks, Use, Footprint, or Height of the Structure and will maintain compliance with the Estate District requirements in LMC Chapter 15-2.10. The Structure is located 158 feet from the nearest Lot Line under separate ownership.

(II) The proposed Plat Amendment complies with the Sensitive Land Overlay requirements in Land Management Code Chapter 15-2.21.

The Applicant proposes to enclose a portion of an existing Deck. No Sensitive Lands will be affected by the proposal.

(III) The proposal complies with Land Management Code Chapter 15-3, Off-Street Parking Requirements.

Unit 47 is a detached Single-Family Dwelling within the Stag Lodge Condominium, which LMC § 15-3-6(A) requires to have two Parking Spaces. The Unit has a double car Garage and complies with the Parking Requirement.

(IV) There is Good Cause for the proposed plat amendment pursuant to Land Management Code Section 15-7.1-3(B).

LMC § 15-7.1-3(B) requires the Planning Commission to Find Good Cause for a Plat Amendment and to make a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

LMC § 15-15-1 defines Good Cause as "[p]roviding positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community."

Staff finds there is Good Cause for the proposed Plat Amendment because it provides clarity to the Plat and resolves an existing issue with the square footage table. Condition of Approval 3 also required that the Plat Note that prevents Private Area B from being used to create a lockout unit or additional bedrooms shall be maintained, keeping the Plat consistent with the rest of Stag Lodge Phase III.

(V) The Development Review Committee reviewed the proposal on June 2, 2026, and confirmed it meets their standards.[2]

[2] The Development Review Committee meets the first and third Tuesday of each month to review and

Department Review
The Planning Department, Executive Department, and City Attorney's Office reviewed this report.

Notice
Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on June 10, 2026. Staff mailed courtesy notice to property owners within 300 feet on June 10, 2026. The *Park Record* published courtesy notice on June 10, 2026.[3]

Public Input
Staff did not receive any public input at the time this report was published.

Alternatives
The Planning Commission may:

- Approve the 8200 Royal Street Unit 47 Plat Amendment.
- Deny the 8200 Royal Street Unit 47 Plat Amendment and direct staff to make Findings for the denial.
- Request additional information and continue the discussion to a date certain.

Exhibits
A: Draft Final Action Letter
    Attachment 1: Proposed Plat
B: Applicant Narrative
C: Photo Exhibit

provide comments on Planning Applications, including review by the Building Department, Engineering Department, Sustainability Department, Transportation Planning Department, Code Enforcement, the City Attorney's Office, Local Utilities including Rocky Mountain Power and Enbridge Gas, the Park City Fire District, Public Works, Public Utilities, and the Snyderville Basin Water Reclamation District (SBWRD).
[3] LMC § 15-1-21

Planning Department

June 24, 2026

Megan Blosser, Alliance Engineering

CC: Preston Walsh

NOTICE OF PLANNING COMMISSION ACTION

Description

Address:	8200 Royal Street Unit 47
Zoning District:	Estate, Sensitive Land Overlay
Application:	Condominium Plat Amendment
Project Number:	PL-26-06933
Action:	APPROVED WITH CONDITIONS (See Below)
Date of Final Action:	June 24, 2026
Project Summary:	The Applicant proposes to amend the square footage table on the Fifth Amended Record of Survey Map of Stag Lodge Phase III Units 47 & 48 for Unit 47 and to show exterior walls around an enclosed deck.

Action Taken

On June 24, 2026, the Planning Commission conducted a public hearing and approved the Stag Lodge Phase III Unit 47 Plat Amendment according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. 8200 Royal Street Unit 47 is in the Stag Lodge Phase III Condominium in the Estate Zoning District, the Sensitive Land Overlay, and Upper Deer Valley General Plan Neighborhood.
2. It was last amended as part of the Stag Lodge Phase III Fifth Amended Plat (Summit County Recorder Entry #957624), converting portions of the Unit that had been previously listed as unexcavated to Private Ownership Area B. It also established a square footage table which called out the square footage of Areas A and B. It failed to accurately call out the square footage Area B on the main level.

DRAFT

3. The Applicant proposes to enclose a portion of the Deck to expand their living room space.
4. The area was already converted from Limited Common to Private Ownership Area B in the Fifth Amended Plat, but it was not properly noted on the table outlining the square footages for the Unit.
5. Because the square footage table is a platted element, a Plat Amendment is required to correct the table.
6. The Applicant proposes to enclose a portion of an existing Deck, which is already platted as Private ownership area.
7. Nothing proposed will affect the Setbacks, Use, Footprint, or Height of the Structure.
8. The Structure is located 158 feet from the nearest Lot Line under separate ownership.
9. No Sensitive Lands will be affected by the proposal.
10. Unit 47 is a detached Single-Family Dwelling and is required to have two Parking Spaces. The Unit has a double car Garage and complies with the Parking Requirement.
11. There is Good Cause for the proposed Plat Amendment because it provides clarity to the Plat and resolves an existing issue with the square footage table. The Plat Note that prevents Private Area B from being used to create a lockout unit or additional bedrooms shall be maintained, keeping the Plat consistent with the rest of Stag Lodge Phase III.

Conclusions of Law

1. There is Good Cause for the Plat Amendment.
2. The proposed Plat Amendment complies with the Estate Zoning District requirements in Land Management Code Chapter 15-2.10.
3. The proposed Plat Amendment complies with the Sensitive Land Overlay requirements in Land Management Code Chapter 15-2.21.
4. The proposed Plat Amendment complies with the Off-Street Parking requirements in Land Management Code Chapter 15-3.

Conditions of Approval

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State Law and the Land Management Code.

DRAFT

2. The Applicant shall record the plat at the County within one year from the date of Planning Commission approval. If recordation is not complete within one year, this approval will be void, unless a request for an extension is made to the Planning Department in writing prior to the expiration date and an extension is granted by the Planning Director.
3. The Final Plat shall include a plat note stating that Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.

This Final Action may be appealed pursuant to LMC § 15-1-18. If you have questions or concerns regarding this Final Action Letter, please call (435) 615-50598 or email jaron.ehlers@parkcity.gov.

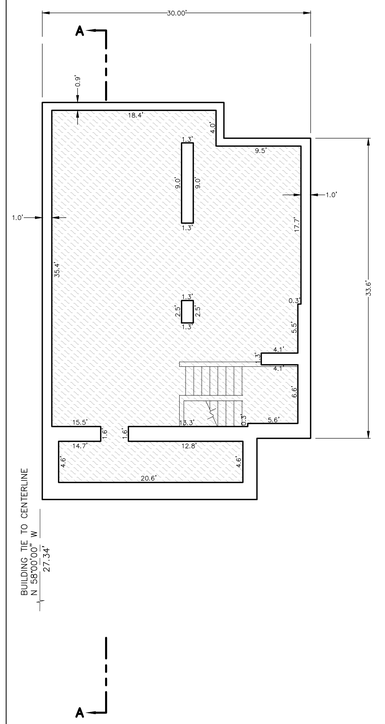
Sincerely,

Christin Van Dine
Planning Commission Chair

CC: Jaron Ehlers, Project Planner

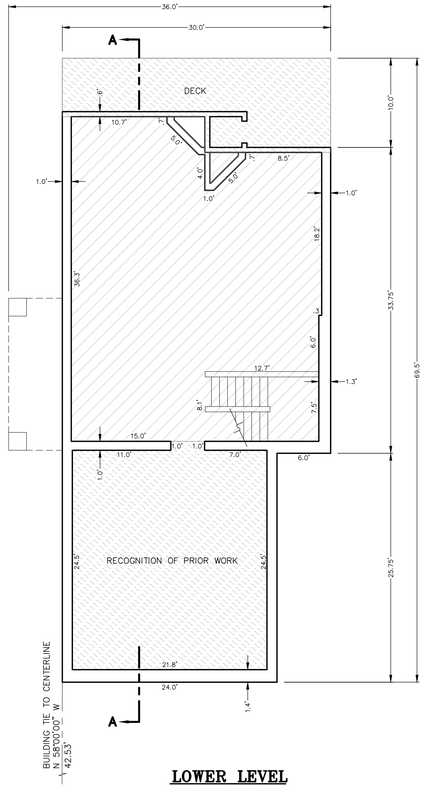
Attachment 1: Proposed Plat

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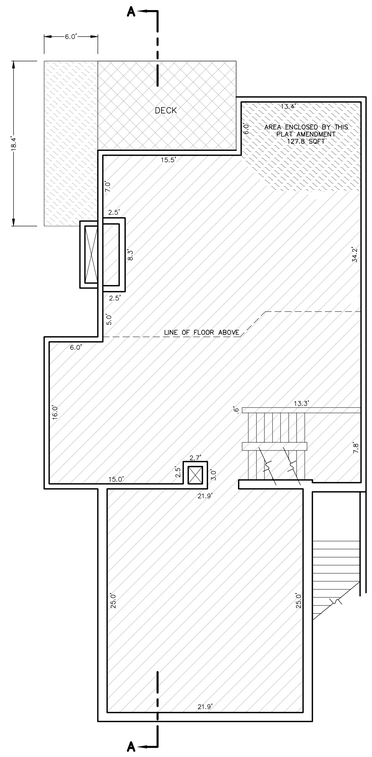
BASEMENT LEVEL

UNIT 47



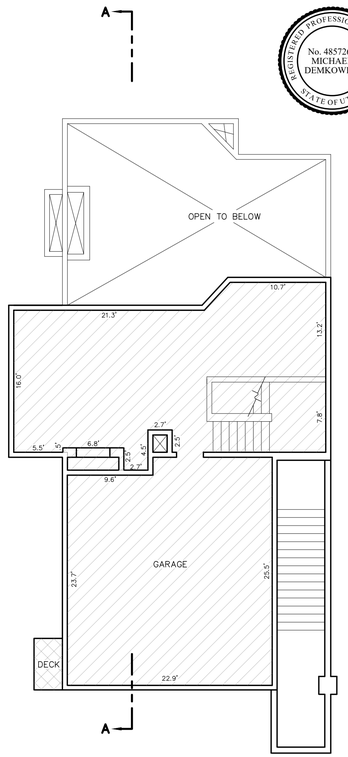
LOWER LEVEL

UNIT 47



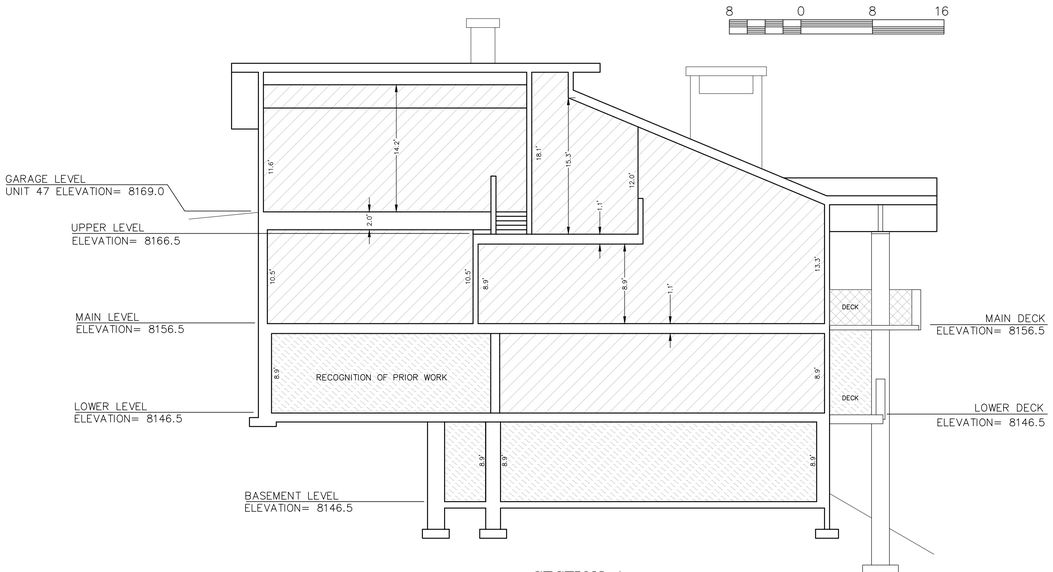
MAIN LEVEL

UNIT 47



UPPER LEVEL

UNIT 47



SECTION A

UNIT 47

NOTES

1. Parcel 1A is unaffected by this plat amendment.
2. This condominium plat amendment is subject to the Conditions of Approval in the Final Action Letter dated _____, 2026, and on file with the Planning Department. (PL-26-_____)
3. Interior dimensions shown are to finish surfaces and the square footages shown on this plat are calculated in accordance with the Utah Condominium Act. Such calculations typically differ somewhat from the square footage determined by the architect or others using different methods of determining unit size. It is the intent that the private ownership area of the units will be as constructed.
4. All physical features and improvements not shown are designated as common area.
5. Refer to the Declaration of Condominium for complete description of ownership.
6. Benchmark: See Sheet 1 of the Stag Lodge Phase III Record of Survey, recorded March 1, 1990 as Entry No. 321286 in the Summit County Recorder's Office for location and elevation.
7. All conditions of approval of the Stag Lodge Phase III, recorded March 1, 1990 as Entry No. 321286; Stag Lodge Phase III, First Amended, recorded December 3, 1990, as Entry No. 333684 and Stag Lodge Phase III, Second Amended, recorded January 6, 1992, as Entry No. 352470; Stag Lodge Phase III, Third Amended, recorded January 17, 2003; Stag Lodge Phase III, Fourth Amended, recorded May 25, 2005, as Entry No. 737281 and Stag Lodge Phase III, Fifth Amended, recorded November 21, 2012, as Entry No. 957624, shall continue to apply.
8. This condominium plat amendment encloses a portion of the Deck on the Main Level, which is designated as "Private Ownership Area B".
9. All conditions of approval of the Deer Valley MPD shall continue to apply.
10. Street address: 8200 Royal Street East #47.
11. This Amended Record of Survey Map has been prepared in connection with the Amended Declaration which provides for, but not limited to, the following:

"Private Ownership Area A" means and refers to all of the previously existing privately owned property as shown on the original Map or Maps, property privately owned prior to the Private Ownership Area B Effective Date.

"Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership which, hereafter, shall for all purposes be considered part of each Unit, as shown on this Amended Map, including by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership Area B cannot be used to create a lockout unit or additional bedrooms.

OWNERSHIP DESIGNATIONS

- "PRIVATE OWNERSHIP AREA A"
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- "PRIVATE OWNERSHIP AREA B"

SQUARE FOOTAGE, UNIT 47

	AREA "A"	AREA "B"
BASEMENT LEVEL	N/A	1019.5
LOWER LEVEL	964.4	534.1
MAIN LEVEL	1775.9	127.8
UPPER LEVEL	627.2	N/A
TOTAL	3367.5	1681.4
GRAND TOTAL	5048.9	

SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 4857264 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I do further certify that by authority of the owners, I have prepared this condominium plat amendment of the property described hereon, hereafter to be known as SIXTH AMENDED STAG LODGE PHASE III AMENDING UNIT 47.

REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR — No. 4857264 MICHAEL DEMKOWICZ — STATE OF UTAH

LEGAL DESCRIPTION

Parcel 1:
Unit 47, contained within the Stag Lodge Phase III Units 47 & 48, a Utah condominium project as identified in the Record of Survey Map recorded November 21, 2012, as Entry No. 957624, in the office of the Recorder of Summit County, Utah (as said Record of Survey Map may have been amended and/or supplemented) and as further defined and described in the Declaration of Condominium of Stag Lodge, recorded March 4, 1985, as Entry No. 231329, in Book 333, at Page 435 (as said Declaration may have been amended and/or supplemented) in the office of the Recorder of Summit County, Utah, together with the appurtenant interest in and to the common areas, limited common areas, and facilities more particularly described in said Record of Survey Map, Declaration and any amendments and/or supplements thereto.

Parcel 1A:
An undivided 1/6 interest in a portion of the lower level floor Unit 34, Stag Lodge Phase II, more particularly described as follows:
Beginning at a point North 984.01 feet and East 1814.17 feet from the Southwest corner of Section 22, Township 2 South, Range 4 East, Salt Lake Base & Meridian, said point being on the face of a frame wall and running thence along said wall, North 72°15'00" West 14.54 feet; thence North 17°45'00" East 16.92 feet to the face of a corner of two frame walls; thence along said wall through the following 5 courses: 1) South 72°15'00" East 4.02 feet; 2) South 17°45'00" West 5.48 feet; 3) South 27°15'00" East 7.78 feet; 4) South 72°15'00" East 5.03 feet; 5) South 17°45'00" West 5.87 feet to the Point of Beginning.

ASSOCIATION DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, on behalf of Stag Lodge Owners Association, having complied with the requirements of both Statutes and the Recorded Declaration hereby consent to the recording of this amended record of survey map.

_____
Preston Walsh, Director
Stag Lodge Owners Association

ACKNOWLEDGMENT

State of _____:

ss:

County of _____:

On this _____ day of _____, 2026, personally appeared before me, the undersigned Notary Public, in and for said County and State, Preston Walsh, being duly sworn, acknowledged to me that he is a director of the Stag Lodge Owners Association, Inc., and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the Stag Lodge Condominium Project acting as a group (under the name of the Stag Lodge Owners Association, Inc.) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for Stag Lodge Condominium.

_____

A Notary Public Commissioned in _____

_____
Printed Name

Residing in: _____

My commission expires: _____

OWNER'S CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS THAT, Preston Walsh, the undersigned owner of the herein described Unit 47, hereby certifies that he has caused this plat amendment to be made, to be hereafter known as SIXTH AMENDED STAG LODGE PHASE III AMENDING UNIT 47.

Rocky Mountain Eagle and Hawk II, LLC, a Utah limited liability company

By: _____
Preston Walsh, Manager

ACKNOWLEDGMENT

State of _____:

: ss.

County of _____:

On this _____ day of _____ 2026, Preston Walsh personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Preston Walsh acknowledged to me that he is the manager of Rocky Mountain Eagle and Hawk II, LLC, the owner of Unit 47, and that he signed the above Owner's Consent to Record freely and voluntarily.

_____
A Notary Public commissioned in _____

_____
Printed Name

Residing in: _____

My commission expires: _____

SIXTH AMENDED
RECORD OF SURVEY MAP

STAG LODGE PHASE III UNIT 47

A UTAH CONDOMINIUM PROJECT
LOCATED IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

5/5/2026 | JOB NO.: 6-4-26 | FILE: X:\SilverLakeVillage\dwg\srv\plat2026\060426 - Stag Lodge 47.dwg

435-649-9467
ALLIANCE ENGINEERING
CONSULTING ENGINEERS | LAND PLANNERS | SURVEYORS
P.O. Box 2664 | 2700 West Homestead Road
Suite 50, 60 | Park City, Utah 84098

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2026
BY _____

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2026
BY _____
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2026
BY _____
PARK CITY ATTORNEY

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THE ____ DAY OF _____, 2026
BY _____
CHAIR

PUBLIC SAFETY ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY OF _____, 2026
BY _____
SUMMIT COUNTY GIS COORDINATOR

RECORDED
ENTRY NUMBER:_____
STATE OF UTAH, COUNTY OF SUMMIT
DATE:_____ TIME:_____
FEE PAID:_____
RECORDED AND FILED AT THE REQUEST OF:_____
_____
COUNTY RECORDER:

Project Intent

Stag Lodge Unit 47

Sixth Amended Stag Lodge Phase III Unit 47

May 14, 2026

The original Stag Lodge Phase III was recorded March 1, 1990 as Entry No. 321286 in the Summit County Recorder's Office. Unit 47 of Stag Lodge Phase III was built in 1990. Unit 47 was amended in 2012 by the Fifth Amended Record of Survey Map of Stag Lodge Phase III Units 47 & 48, recorded November 21, 2012 as Entry No. 957624. The Fifth Amended Record of Survey map added "Private Ownership Area B" to Unit 47, and converted the decks from Limited Common/Common area to Private Ownership Area B.

Stag Lodge 47 will be enclosing a portion of their deck included in Private Ownership Area B. This will add 127.8 square feet of interior space, which is already platted as Private Ownership Area B. The square footage table on the Fifth Amended Record of Survey Map shows "N/A" for "Area B" on the Main Level. This chart will be updated to reflect the change, and the site plan view of the unit will show exterior walls around the enclosed space.

Note 3 on the Fifth Amended Record of Survey map states: "Private Ownership Area B" means and refers to the property changed from Common Area or Limited Common Area to private ownership, which hereafter shall for all purposes be considered part of each Unit, as shown on this Amended Map, included by way of illustration but not limitation private ownership, taxes, assessments, insurance, liability, maintenance, repair and replacement. Private Ownership B cannot be used to create a lockout or additional bedrooms." Because Private Ownership Area B is already privately owned property, and is neither Common Area nor Limited Common Area, no vote of the unit owners is required to authorize this enclosure.



Stag Lodge Unit #47 - looking northerly



Stag Lodge Unit #47 - looking northwesterly



Stag Lodge Unit #47 – looking westerly



Stag Lodge Unit #47 - looking northwesterly



Stag Lodge Unit #47 - looking northwesterly



Stag Lodge Unit #47 - looking northerly



Stag Lodge Unit #47 - looking southwesterly



Stag Lodge Unit #47 - looking northeasterly



Stag Lodge Unit #47 – looking easterly

Planning Commission
Staff Report

Subject: **Fences in Historic Residential Districts**
Application: **PL-25-06546**
Authors: **Meredith Covey, Planner II**
Lillian Zollinger, Planner III
Date: **June 24, 2026**
Type of Item: **Land Management Code Amendment**

Recommendation

(I) Review potential Land Management Code amendments regarding Fences in residential Historic Zoning Districts, (II) conduct a public hearing, and (III) consider forwarding a positive recommendation for City Council consideration (Exhibit A, Draft Ordinance).

Background

In November 2025, the City Council directed staff and the Historic Preservation Board (HPB) to evaluate the type and materials for Fences in Historic Residential Zoning Districts and the location of Fences that encroach in Rights-of-Way.

The Planning Department coordinated with the Engineering Department and Public Works, conducted public outreach, and researched peer communities.[1] The Planning Department then conducted two work sessions with the HPB. On December 3, 2025, the HPB requested additional information on the following:

- Potential amendments to the Land Management Code (LMC) to better describe materials and Fence types for compatibility in residential Historic Districts.
- Potential design solutions and materials that have demonstrated longevity and ability to withstand snow removal operations (Packet Item 6.C; Minutes, p. 6).

On January 7, 2026, the HPB conducted a work session to review the above requests (Packet Item 6.A; Minutes, p. 2). The HPB concluded the following regulations were appropriate for Fences in residential Historic Districts:

- Fences should maintain a traditional solid-to-void ratio to require more openness along the streetscape.
- The spacing between pickets shall be equal to or greater than 1/2 the width of an individual picket.
- Traditional materials should continue to be required at Historic Sites. These materials include wood and metal, or simple wire. Plastic and vinyl Fences are prohibited.
- Flexibility may be considered on non-historic sites for alternative materials, which could be proposed and reviewed by the Planning Department.

[1] Peer Community research is available as Exhibit B.

On March 4, 2026, the HPB reviewed a Fence proposed in the ROW. The HPB recommended that the Fence provide visibility into the front yard, wherein the picket Fence spacing is one half the width of the Fence board at a minimum (Packet Item 7.A.; Minutes, p.16).

On May 8, 2026, the Planning Department hosted the Historic Preservation Celebration and sought public input regarding Fences in Residential Old Town.



Figure 1: Staff at the Historic Preservation Celebration outlining proposed LMC amendments to Park City residents.

On June 3, 2026, the HPB reviewed the draft ordinance updating LMC § 15-13-2(B)(1)(e) *Regulations for Fencing at Historic Residential Sites* and LMC § 15-13-8(B)(1)(e) *Regulations for Fencing at New Residential Infill in the Historic District* and unanimously forwarded a positive recommendation of the draft ordinance, as amended, to the Planning Commission and City Council (Packet Item 6.C.; Audio).

Analysis

(I) The proposed amendments clarify requirements for Fences along streetscapes that are more aligned with what was seen historically.

1940s tax photos, courtesy of the Park City Museum, show the most common types of Fences in Park City historically were picket Fences, woven wire Fences, or simple metal Fences, installed in a way that allowed visibility of the front yard and home.



Figure 2: Picket Fence



Figure 3: Woven Wire Fence



Figure 4: Picket Fence

The 1983 *Historic District Design Guidelines* and the 2009 *Design Guidelines for Historic Districts and Historic Sites* recommended avoiding solid wood Fences in the front yard. The 1983 *Historic District Design Guidelines* included dimensions for wood picket Fences, indicating “the boards were 3 1/2” wide with a spacing of 1 3/4” between boards.” The guidelines stated that solid wood Fences with no spacing between vertical boards should be avoided. However, when the *Design Guidelines* were overhauled in 2019, these regulations were removed, allowing solid Fence installations along the Historic District streetscapes.



Figure 5: Board Fence with no spacing, image from Google.

Solid Fences alter the character of the Historic District residential streetscape. Based on research of peer communities, best practices, and input from the HPB, the Planning team drafted the LMC updates to prohibit solid Fences in the front yard and to address the type and materials for Fences proposed for both Historic and Non-Historic residential sites in the Historic Zoning Districts to preserve the residential Historic District character.

The Planning Department reviews Fence heights and locations proposed on private property for compliance with the site's Zoning District and Fences in the front yard may be up to four feet in height. The Fence materials and type are reviewed for compliance with LMC Chapter 15-13 *Regulations for Historic Districts and Historic Sites*.

Currently, the following regulations apply at Historic Sites:

- New Fencing should reflect the building's style and period.
- New wood and metal fencing located where viewable from adjacent public rights-of-way should feature traditional design and pattern.
- Split or horizontal rail, railroad tie, or timber fencing may be located where not viewable from adjacent public rights-of-way, but should be avoided where visible from the primary public right-of-way.
- Vinyl or plastic-coated fencing is not appropriate.[2]

Currently, the following regulations apply at Non-Historic Sites:

- New Fencing should reflect the style of the building to which fencing is associated when viewable from the primary public right-of-way.
- New wood and metal fencing should reflect traditional designs and patterns.
- Split or horizontal rail, railroad tie, or timber fencing may be located where not visible from the primary public right-of-way but should be avoided where visible from the primary public right-of-way.
- Vinyl or plastic-coated fencing is not appropriate in the Historic District.[3]

A solid Fence without permitting or approval was installed at 1304 Park Avenue. Based on input from the HPB and staff, the Applicant removed and replaced the Fence with a Fence compliant with the proposed code amendments. The images below compare what is allowed under the current LMC and what is allowed under the proposed amendments.

[2] LMC § 15-13-2(B)(1)(e) *Regulations for Fencing at Historic Residential Sites*
[3] LMC § 15-13-8(B)(1)(e) *Regulations for Fencing at New Residential Infill in the Historic District*



Figure 6: 1304 Park Avenue 1940s tax photo.



Figure 7: 1304 Park Avenue solid Fence installed without permitting or approvals.



Figure 8: 1304 Park Avenue approved Fence that reflects the proposed amendments.

The 1983 Historic District Design Guidelines state, “[t]ypically, wood picket Fences were used and these were painted.” Research on peer communities also suggests that Historic wood Fences were painted.



Figure 9: 1940s tax photo courtesy of the Park City Museum.

However, at the June 3, 2026 HPB meeting, the Board members were in favor of flexibility with final finishes of Fence materials, so long as they met the new material requirements outlined in LMC § 15-13-5(A)(12).

Proposed Amendments

The Planning Department drafted code amendments for both Historic Sites and for new residential infill in Historic Residential Zoning Districts, which were reviewed and unanimously recommended for approval by the Historic Preservation Board:

- Fences shall be wood, metal, or a combination thereof in a similar style seen historically.
    - New alternative materials and non-historic materials may be used pursuant to the Master List of Non-Historic Materials and Finishes on file with the Planning Department.
- Picket Fences, woven wire Fences, and simple metal Fences are allowed within the Front Yard or where visible from the Right-of-Way.
    - Picket Fences shall have a minimum picket spacing of one-half (1/2) the width of the picket.
- Materials shall be weather resistant, or weather resistant coatings shall be utilized. Plastic and vinyl materials are prohibited.
- Solid, ornate wrought iron, board, split or horizontal rail, railroad tie, and timber Fences within the Front Yard or where visible from the Right-of-Way are prohibited.

Examples of allowable front yard Fences are illustrated below:

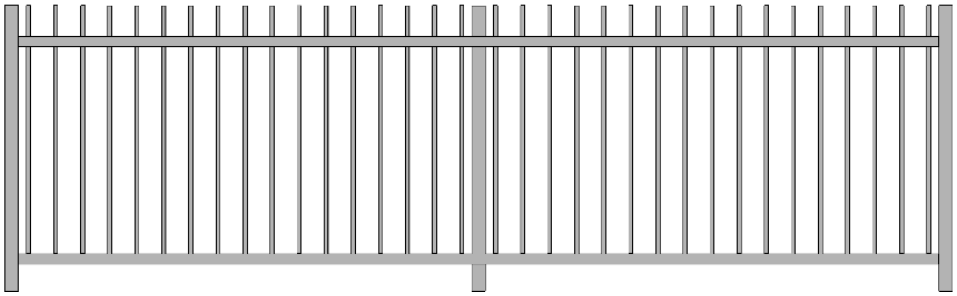


Figure 9: Example simple metal Fence.

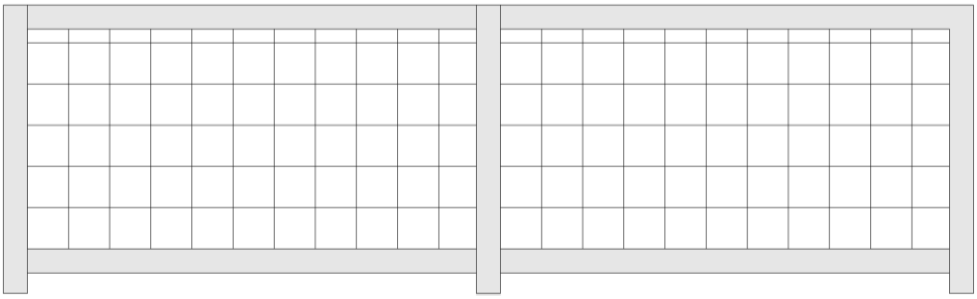


Figure 10: Example woven wire Fence.

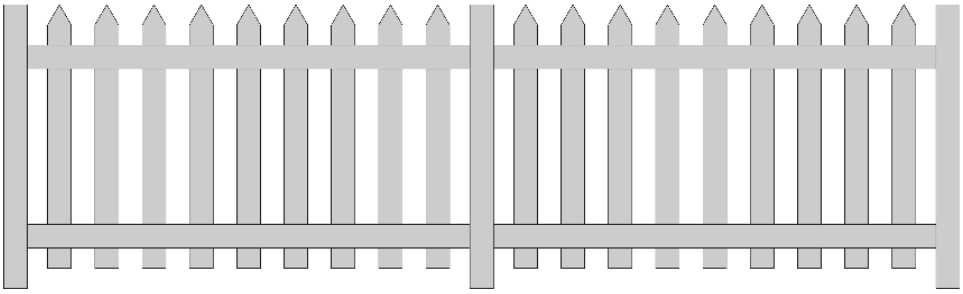


Figure 11: Example picket Fence.

Department Review

The Planning Department, Engineering Department, Public Works Department, Executive Department, and City Attorney's Office reviewed this report.

Notice

Staff published notice on the City's website and the Utah Public Notice website on May 20, 2026. The Park Record published courtesy notice on May 20, 2026.

Exhibits

A: Draft Ordinance No. 2026-XX
B: Research on Peer Communities

Ordinance No. 2026-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE CHAPTER 15-13 *REGULATIONS FOR HISTORIC DISTRICTS AND HISTORIC SITES*

WHEREAS, the purpose of the Land Management Code (LMC) is to promote the general health, safety, and welfare of the present and future inhabitants, businesses, and visitors of the City and to protect and enhance the vitality of the City's resort-based economy, the overall quality of life, the Historic Character, and unique mountain town community;

WHEREAS, the LMC implements the goals and policies of the Park City General Plan;

WHEREAS, Historic Character is one of the core values in the Park City General Plan;

WHEREAS, Strategy 5O in the General Plan is "[e]valuating the Historic District Design Regulations for consistency and potential modifications that further preservation efforts while supporting a degree of flexibility" and the related action is "[e]valuating streetscape standards that support walkability efforts and reinforce the historic nature of Park City's older neighborhoods/urban form."

WHEREAS, Strategy 5P of the General Plan is "[r]eviewing new construction for suitability and compatibility of infill development within the Historic Districts" and the related action is "[a]nalyzing the influence of site design and architecture as part of the review, including the impact of setbacks, fence height, and fence location on the streetscape and the pedestrian experience."

WHEREAS, the purpose of the Historic Preservation Board is to, in part, preserve the City's unique historic character and to encourage compatible design and construction in the City's Historic Districts and Historic Sites through periodic updates to Land Management Code (LMC) Chapters 15-11 *Historic Preservation* and 15-13 *Regulations for Historic Districts and Historic Sites*;

WHEREAS, pursuant to LMC § 15-11-11, from time to time, the HPB may recommend changes to the *Regulations for Historic Districts and Historic Sites* to the Planning Commission and City Council, provided that no changes in the guidelines shall take effect until adopted by an ordinance of the City Council;

WHEREAS, on December 3, 2025, the Historic Preservation Board conducted a work session on potential amendments to the LMC to consider updates to Fence regulations in the Historic Residential Zoning District;

DRAFT

WHEREAS, on January 7, 2026, the HPB conducted a second work session on Fences in Old Town;

WHEREAS, on March 4, 2026, the Historic Preservation Board provided input on the location of a Fence within a Historic District Right-of-Way, taking into account the larger policy discussion from December and January as well as recommendations by the Engineering Department, Planning Department, and Public Works;

WHEREAS, on May 8, 2026, the Planning team sought public input on Fences in Old Town and the proposed updates at the Historic Preservation Celebration;

WHEREAS, on June 3, 2026, the Historic Preservation Board conducted a public hearing and forwarded a positive recommendation to the Planning Commission and City Council;

WHEREAS, on June 24, 2026, the Planning Commission conducted a duly noticed public hearing and forwarded a _____ recommendation to the City Council;

WHEREAS, on _____, the City Council conducted a duly noticed public hearing.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT CODE TITLE 15. The recitals are incorporated herein as findings of fact. Municipal Code of Park City Title 15 Land Management Code Chapter 15-13 *Regulations for Historic Districts and Historic Sites* are hereby amended as outlined in Attachment 1.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS _____ day of _____2026.

PARK CITY MUNICIPAL CORPORATION

_____
Ryan Dickey, Mayor

Attest:

DRAFT

_____
City Recorder

Approved as to form:

_____
City Attorney’s Office

DRAFT

ATTACHMENT 1

15-13-2 Regulations For Historic Residential Sites

B. Specific Regulations

1. Site Design

e. Fencing

(1) Historic Fencing shall be preserved and maintained.

(2) Historic Fencing may be reconstructed based on photographic evidence. The reconstruction shall match the original in design, location, color, texture, and material.

(3) ~~[New fencing should reflect the building's style and period. New wood and metal fencing located where viewable from adjacent public rights-of-way should feature traditional design and pattern. Split or horizontal rail, railroad tie, or timber fencing may be located where not viewable from adjacent public rights-of-way, but should be avoided where visible from the primary public right-of-way. Vinyl or plastic-coated fencing is not appropriate.]~~

Fences shall be wood, metal, or a combination thereof in a similar style seen historically

(4) Picket Fences shall have a minimum picket spacing equal to or greater than one-half (1/2) the width of an individual picket.

(5) Picket Fences, woven wire Fences, and simple metal Fences are allowed within the Front Yard or where visible from the Right-of-Way. New alternative materials and non-historic materials may be used pursuant to the Master List of Non-Historic Materials and Finishes on file with the Planning Department.

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(6) Materials shall be weather resistant, or weather resistant coatings shall be utilized. Plastic and vinyl materials are prohibited.

(7) Solid, ornate wrought iron, board, split or horizontal rail, railroad tie, and timber Fences within the Front Yard or where visible from the Right-of-Way are prohibited.

~~(4)~~ (8) New fencing should be designed to minimize its environmental impact~~(s)~~. New fencing should use green material and should take into account site impacts such as shading, natural topography, ~~and~~ drainage, and snow removal and storage.

~~(5)~~ (9) Drought tolerant shrubs should be considered in place of fencing or walls.

~~(6)~~ (10) Arbors emphasizing a fence gate or entry shall be subordinate to the associated historic building or structure and shall complement the design of the historic structure and fencing in materials, features, size, scale, and proportion, as well as massing to protect the integrity of the historic site.

15-13-8 Regulations For New Residential Infill Construction (and Non-Historic Residential Sites) In Historic Districts

B. Specific Regulations

1. Site Design

e. Fences

(1) ~~[New fencing should reflect the building's style and period. New wood and metal fencing located where viewable from adjacent public~~

DRAFT

~~rights-of-way should feature traditional design and pattern. Split or horizontal rail, railroad tie, or timber fencing may be located where not viewable from adjacent public rights-of-way, but should be avoided where visible from the primary public right-of-way. Vinyl or plastic-coated fencing is not appropriate.~~]

Fences shall be wood, metal, or a combination thereof in a similar style seen historically

(2) Picket Fences shall have a minimum picket spacing equal to or greater than one-half (1/2) the width of an individual picket.

(3) Picket Fences, woven wire Fences, and simple metal Fences are allowed within the Front Yard or where visible from the Right-of-Way. New alternative materials and non-historic materials may be used pursuant to the Master List of Non-Historic Materials and Finishes on file with the Planning Department.

(4) Materials shall be weather resistant, or weather resistant coatings shall be utilized. Plastic and vinyl materials are prohibited.

(5) Solid, ornate wrought iron, board, split or horizontal rail, railroad tie, and timber Fences within the Front Yard or where visible from the Right-of-Way are prohibited.

~~(2)~~ (6) New fencing should be designed to minimize its environmental impacts. New fencing should use green material and should take into account site impacts such as shading, natural topography, ~~and~~ drainage, and snow removal and storage.

~~(3)~~ (7) Drought tolerant shrubs should be considered in place of fencing or walls.

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~~(4)~~ (8) Arbors emphasizing a fence gate or entry shall be subordinate to the associated historic building or structure and shall complement the design of the historic structure and fencing in materials, features, size, scale, and proportion, as well as massing to protect the integrity of the historic site.

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Design and Materials Research

Staff researched best practices for winter-climate Fence design and found the following:

Design

- Porous designs that allow snow and wind to pass easily through gaps in the material increases the lifespan of the Fence. Designs like slatted wood or picket Fences with spacing between the slats or pickets are examples of porous designs.
- Posts should be set 40 inches in the ground, below frost depth, to avoid frost heave.

Materials

- Untreated wood should be avoided as it absorbs moisture in winter climates, leading to warping, cracking, or rotting when exposed to snow and ice. Weather-resistant coatings should be considered to increase the lifespan of the material.
- Metal is a durable material that does well withstanding snowy conditions; however, it would need to be treated to avoid rust or corrosion from salt if located adjacent to a roadway.
- High-quality hardware and materials are preferred to improve the durability and lifespan of Fences.

Additionally, Staff analyzed regulations in peer communities, with both historic districts and heavy snow in Colorado, Montana, California, and Idaho. Staff found the following regulations:

Design

- For a picket Fence, spacing between the pickets must be a minimum of 1/2 the width of the picket.[1]
- Solid Fences shall be avoided.[2]
- Fences shall be low to the ground and transparent in nature to provide interest to pedestrians.[1,3,4,5]

[1] Aspen, Colorado (Design Regulations, Zoning Code)
[2] Crested Butte, Colorado (Design Regulations, Zoning Code)
[3] Bozeman, Montana (Design Regulations, Zoning Code)
[4] Telluride, Colorado (Zoning Code)

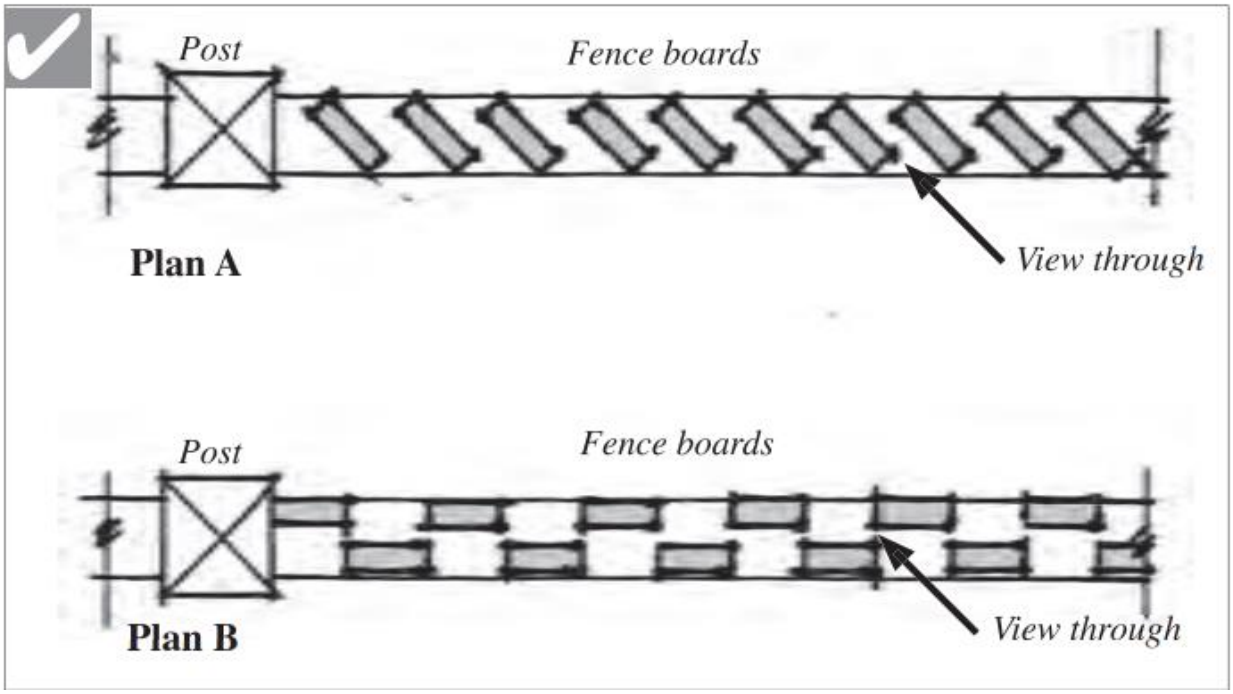


Figure 1: Illustration from Bozeman, Montana Historic District Guidelines showing examples of transparent Fencing design.

Location Regulations

- Any new Fence between a historic resource and the street shall be less than 42 inches in height and shall have no less than a solid-to-void ratio of 50 percent.[1]
- Open Fences, up to a maximum of four feet in height, may be allowed in front and street-side setbacks if the City Engineer finds that the Fence will not adversely affect a front or street-side setback traffic safety visibility area or interfere with street snow removal operations.[5]
- No Fence in the front yard is often the most appropriate solution.[1]

[5] Truckee, California (Design Regulations, Zoning Code)



Figure 2: Early sketches showing Fences in Bozeman Monanta, from Bozeman's Guidelines for Historic Preservation.

Materials

- Painted wood, simple wire, and wrought iron Fences are appropriate materials.[3,5]
- Simple wood, metal, or modest wire Fences are most appropriate; ornate wrought iron Fences are inappropriate.[1,2]
- Historic wood Fences should be protected against the weather with a painted finish.[5]
- Fences shall match or complement the principal building.[6]

[6] Ketchum, Idaho (Zoning Code)

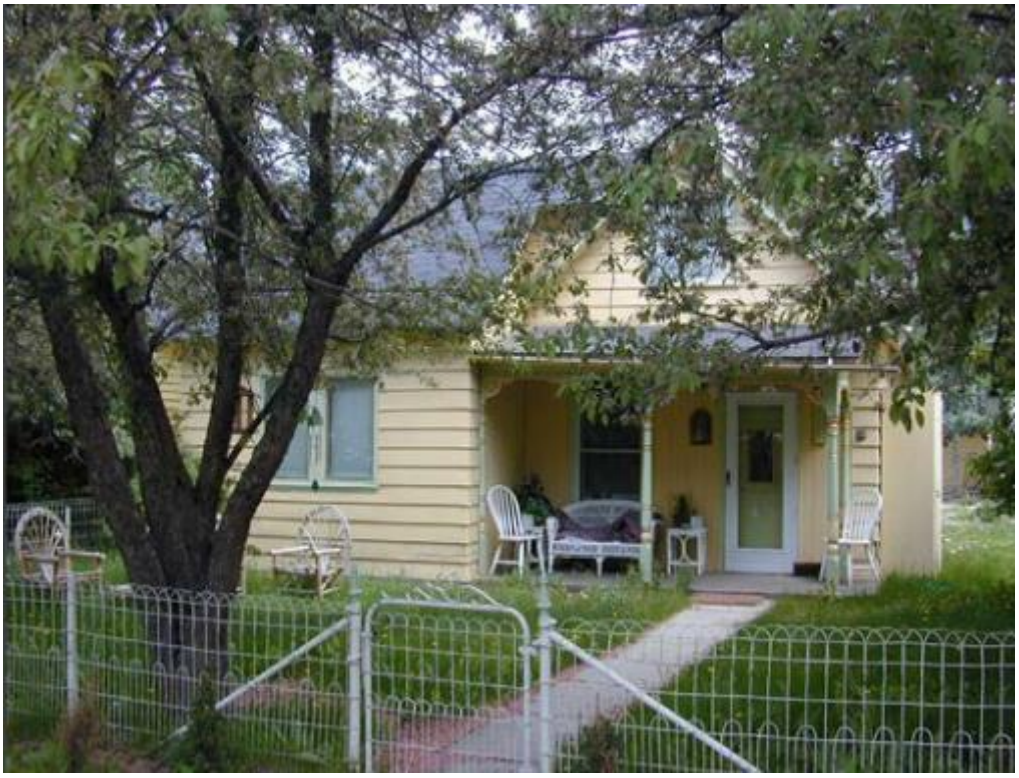


Figure 3: Historic wire Fence from Aspen, Colorado Historic Preservation Design Guidelines

Planning Commission
Staff Report

Subject:	**Transportation Impact Study Guidelines and Transportation Demand Management**
Application:	**PL-25-06513**
Authors:	**Alec Barton, Senior Planner** **Jacob Klopfenstein, Planner II**
Date:	**June 24, 2026**
Type of Item:	**Legislative – Land Management Code Amendments**

Recommendation

(I) Review proposed establishment of Transportation Demand Management (TDM) criteria in the Land Management Code (LMC), the updates to the 2023 Transportation Impact Study (TIS) Guidelines, and the new TDM Toolbox, (II) conduct a public hearing, and (III) consider forwarding a positive recommendation to the City Council for consideration as outlined in the Draft Ordinance (Exhibit A).

Description

Applicant:	Park City Municipal Corporation John Robertson, City Engineer
Location:	Citywide
Zoning District:	All
Reason for Review:	The Planning Commission reviews Land Management Code Amendments, conducts a public hearing, and forwards a recommendation for City Council's consideration.[1]

AMPD	Affordable Master Planned Development
CUP	Conditional Use Permit
LMC	Land Management Code
MPD	Master Planned Development
TDM	Transportation Demand Management
TIS	Transportation Impact Study

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Summary

Traffic generated from new developments or redevelopments is a major component of a project review for the Planning Commission.

[1] LMC § 15-1-8

The Challenge – Prior to 2023, there were no City-specified standards for Applicants' TIS submittals, and some did not take into consideration Park City's unique peak traffic patterns. In 2023, the City adopted TIS Guidelines for consistent submittals.

The Opportunity – This project updates the TIS Guidelines and establishes a TDM Toolbox to provide Applicants and the Planning Commission and staff with consistent and measurable criteria to address transportation concerns and to establish annual reporting and flexibility for future modifications as needed.

Background

On August 27, 2025, the Commission conducted an initial work session to discuss the updated TIS and TDM processes (Meeting Packet, Item 5.B; Minutes, p. 12-16). Please see the August 27, 2025, Work Session Staff Report for additional background.

On January 14, 2026, the Commission conducted a work session to review a TDM Toolbox establishing a step-by-step workflow for assessing traffic impacts and requiring transportation elements to offset new trips generated by new developments and redevelopments (Meeting Packet, Item 5.A; Minutes, p. 2-7). Please see the January 14, 2026, Work Session Staff Report for additional background.

On April 8, 2026, the Planning Commission conducted another work session to review the updated TDM Toolbox and provide input on proposed updates to the LMC to align with the TIS Guidelines and to establish TDM criteria (Meeting Packet, Item 5.A; Minutes, p. 2-7). The Commission:

- Expressed support for the TDM Toolbox creating flexibility for developers while establishing clear expectations,
- Recommended regular review of the toolbox to determine where improvements can be made,
- Recommended creating an understandable, user-friendly interface for developers,
- Requested to review scenarios or approved projects to understand how the Toolbox functions in the context of development,
- Reviewed proposed amendments to the LMC to reference the updated TIS Guidelines and implement the TDM program (these amendments are included in the Draft Ordinance Exhibit A), and
- Provided input on proposed amendments to the LMC related to replacing parking minimums with maximum parking allowances and creating flexibility for reuse of excess parking areas with active transportation features. These proposed amendments will be reviewed further at a future meeting.

WCG, with consultation from City staff across multiple meetings, continued refining the TDM Toolbox following the April Planning Commission input. A summary of changes to the TDM Toolbox is included in Exhibit B. An updated flowchart showing the process and thresholds for preparing a scoping memo, TIS, and TDM strategies is included in Exhibit C. To verify the effectiveness of the TDM Toolbox, staff coordinated peer review of the TDM Toolbox with a different consulting firm and requested input from

developers.

Analysis

The Transportation Impact Study Guidelines are proposed to be updated to require an Applicant to submit a TIS project scoping memo and apply Transportation Demand Management tools to projects that generate 10 net new vehicle trips during the weekday AM or PM peak hour.

Under the City's 2023 adopted TIS Guidelines, a TIS is required when a proposed development or redevelopment will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour. The Applicant prepares a scoping memo, which the City Engineer reviews in coordination with a third party to determine if a project meets the required threshold for a TIS.

Under the proposed updated TIS Guidelines, if an Applicant—using the most current version of the Institute of Traffic Engineers (ITE) Trip Generation manual—determines that the proposed project will generate a minimum of 10 new peak hour trips, will prepare and submit a project scoping memo to the City Engineer. In addition to the project scoping memo, the Applicant will apply recommended tools from the TDM Toolbox to their project and determine the credit for the traffic generated from the development.

The Engineering and Planning Departments will review the submitted information to confirm and accept the proposed TDM plan. If the TDM plan does not result in a 50 percent reduction in new trips, the Applicant will be required to prepare a TIS under the approved guidelines. Additionally, a site plan assessment may be required to evaluate sight distances, the need for traffic signals or stop signs, parking, and overall roadway and pedestrian and bicyclist safety.

This new process means that more developments and redevelopments in conjunction with a Master Planned Development (MPD), Affordable Master Planned Development (AMPD), or Conditional Use Permit (CUP) application will be required to apply traffic-reducing tools consistent with the City's transportation goals.

To provide an objective framework for traffic and transportation evaluation of future developments, the Transportation Demand Management Toolbox is recommended to be adopted.

The Planning Commission considers the traffic and parking impacts associated with new developments and redevelopments when reviewing CUPs, MPDs, and AMPDs. Under the recommended LMC amendments, any proposed project expected to generate 10 or more peak-hour vehicle trips would be required to utilize the TDM Toolbox.

The TDM Toolbox is designed to allow flexibility for Applicants to address site and project conditions, while also providing the Planning Commission and staff an objective

framework with which to evaluate transportation impacts from proposed developments.

(I) Staff recommends Land Management Code updates to align with the 2026 Transportation Impact Study Guidelines and to establish Transportation Demand Management criteria.

LMC § 15-1-10(E) includes 17 criteria the Planning Commission considers when reviewing a CUP application. Several criteria relate to traffic and parking:

- Traffic considerations including capacity of the existing Streets in the Area
- Emergency vehicle access
- Location and amount of off-Street parking
- Internal vehicular and pedestrian circulation system
- Control of delivery and service vehicles, loading and unloading zones

The Planning Commission will continue to review these criteria. However, the updated TIS Guidelines and TDM Toolbox will provide the Commission a clearer picture of the traffic and parking impacts associated with a development or redevelopment and will allow the Commission to assess if a project's proposed TDM strategies adequately address the traffic and parking impacts.

The Planning Commission also considers traffic and parking when reviewing applications for MPDs and AMPDs. The Commission may increase or decrease the required number of off-Street Parking Spaces for a project based on a Parking analysis that includes, at minimum:

- The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- A Parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy Parking.
- Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.
- An analysis of time periods of Use for each of the Uses in the project and opportunities for shared parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.
- A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.
- Provisions for overflow Parking during peak periods.
- An evaluation of potential adverse impacts of the proposed Parking reduction and Density increase, if any, upon the surrounding neighborhood and conditions of approval to mitigate such impacts.[2]

Staff recommends updates to the LMC to align with the requirement for certain developments to prepare a TIS and implement TDM Toolbox strategies. Currently, the

[2] LMC § 15-6-5(E)

LMC allows the Planning Commission to reduce an Applicant's parking requirement subject to a parking analysis. The proposed updates to four sections of code clarify that the Planning Commission reviews a TIS and supporting TDM submittal when reviewing a request for a parking reduction:

- LMC § 15-3-7 *Parking In Master Planned Developments and Conditional Use Permits*
- LMC § 15-6-4 *Master Planned Developments, Process*
- LMC § 15-6-5(E) *Master Planned Development Requirements, Off-Street Parking*
- LMC § 15-6.1-9 *Affordable Master Planned Developments, Parking*

Staff also recommends updates to LMC § 15-3-2 *Off-Street Parking Requirement* to clarify that separate leasing of required Off-Street parking spaces is prohibited.

The City Council reviewed the proposed LMC update to prohibit separate leasing of required Off-Street parking spaces as part of a review of recommended code updates to implement the 2025 General Plan on February 26, 2026 (Meeting Packet, Work Session Item; Minutes, p. 4-6) and indicated support.

Recommended updates to the LMC were reviewed by the Planning Commission on April 8, 2026 (Meeting Packet, Item 5.A; Minutes, p. 2-7) and are included in the Draft Ordinance (Exhibit A).

Department Review

The Planning, Executive, and Engineering Departments, as well as the City Attorney's Office, reviewed this report.

Exhibits

A: Draft Ordinance
B: Summary of Changes to Transportation Demand Management Toolbox
C: Transportation Demand Management Flowchart

Ordinance No. 2026-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTIONS 15-3-7 *PARKING IN MASTER PLANNED DEVELOPMENTS AND CONDITIONAL USE PERMITS*, 15-6-4 *PROCESS,* 15-6-5(E) *MASTER PLANNED DEVELOPMENT REQUIREMENTS, OFF-STREET PARKING*, 15-6.1-9 *AFFORDABLE MASTER PLANNED DEVELOPMENTS, PARKING*, AND 15-3-2 *REQUIREMENT* TO ALIGN WITH TRANSPORTATION IMPACT STUDY AND TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS FOR NEW DEVELOPMENTS AND REDEVELOPMENTS AND TO PROHIBIT SEPARATE LEASING OF PARKING SPACES FOR NON-INTENDED USES AND ADOPTING ENGINEERING'S 2026 TRANSPORTATION IMPACT STUDY GUIDELINES AND TRANSPORTATION DEMAND MANAGEMENT TOOLBOX

WHEREAS, the Mission Statement of the Park City General Plan states that "[w]e will not increase our road network and look at creative-multimodal solutions to address traffic and mobility;"

WHEREAS, Transportation is one of the themes of the General Plan;

WHEREAS, the Land Management Code implements the goals and policies of the General Plan in part to promote the health, safety, and welfare of the present and future inhabitants, to protect and enhance the vitality of the City's resort-based economy, to provide for safe and efficient traffic and pedestrian circulation, and to protect the Small Town experience;

WHEREAS, updates to the Land Management Code are needed to reflect the Planning Commission's review of Transportation Impact Studies and Transportation Demand Management programs associated with new developments and redevelopments.

WHEREAS, on June 24, 2026, the Planning Commission conducted a duly noticed public hearing;

WHEREAS, on June 24, 2026, the Planning Commission forwarded a _____ recommendation for City Council's consideration;

WHEREAS, on _____, 2026, the City Council conducted a duly noticed public hearing;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

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SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY LAND MANAGEMENT CODE TITLE 15. Municipal Code of Park City Title 15 Land Management Code § 15-3-7, § 15-6-4, § 15-6-5(E), § 15-6.1-9, and § 15-3-2, are amended as outlined in Attachment 1.

SECTION 2. ENGINEERING SPECIFICATIONS. The 2026 Transportation Impact Study Guidelines and Transportation Demand Management Toolbox are hereby adopted as outlined in Attachment 2.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS ____ Day of _____ 2026.

PARK CITY MUNICIPAL CORPORATION

_____

Ryan Dickey, Mayor

Attest:

_____

City Recorder

Approved as to form:

_____

City Attorney's Office

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ATTACHMENT 1

15-3-7 Parking In Master Planned Development And Conditional Use Permits

A. In Master Planned Developments and in review of Conditional Use permits, the initial parking requirement is determined by referring to the requirements for the Use and the underlying zone. The Planning Commission may, upon review of an Applicant's Transportation Impact Study and Transportation Demand Management Plan, reduce this initial parking requirement to prevent excessive parking and paving. ~~The Applicant must prove by a parking study that the proposed parking is adequate.~~ The ~~parking study~~ Planning Commission must analyze ~~whether~~:

1. Whether parking Uses will overlap,
2. Whether commercial spaces within the project will serve those residing within the project rather than the general public, and
3. ~~or~~ Other factors that support the conclusion that the project will generate less parking than this Code would otherwise require.

B. Master Planned Developments with a parking demand of eight (8) or fewer Parking Spaces may not reduce required parking under any circumstance.

C. See Section 15-3-3 and Chapter 15-6 for Parking Area Landscaping Requirements for MPDs.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

Amended by Ord. 2022-16 on 5/26/2022

15-6-4 Process

A. **PRE-APPLICATION CONFERENCE**. An Applicant may request a pre-Application conference with Planning Department staff to become acquainted with the Master Planned Development procedures and requirements.

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B. **APPLICATION.** An Applicant shall submit a Master Planned Development Application to the Planning Department. The Application shall include written consent by all Owners of the Property to be included in the Master Planned Development. The Planning Director shall assign the Application to a staff planner who will review the Application for completeness. The staff planner will inform the Applicant if additional information is required to constitute a complete Application.

C. **PUBLIC OUTREACH.** It is recommended that the Applicant conduct public outreach and that the Applicant host neighborhood meetings prior to submitting an Application for a Master Planned Development.

D. **WORK SESSION**. After the staff planner determines a Master Planned Development Application is complete, the Applicant may request a work session with the Planning Commission in order to provide an opportunity for the public and the Planning Commission to give preliminary input.

E. **ADDITIONAL STUDIES.** The Commission may require Applicants to submit and fund additional studies for Master Planned Development proposals that significantly increase the Density and intensity of Use of a Site. [~~If the Commission requires an Applicant to submit a traffic study, the Transportation Department and City Engineer shall recommend a method of modeling and scope of the study area.~~] Applicants shall submit a Traffic Impact Study and Transportation Demand Management Plan pursuant to the City's adopted Transportation Impact Study Guidelines and Transportation Demand Management Toolbox.

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F. **PLANNING COMMISSION REVIEW**. The Planning Commission is the primary review body for Master Planned Developments.

G. **PUBLIC HEARING**. The Planning Commission is required to hold a public hearing prior to taking action on a Master Planned Development. Multiple public hearings may be necessary for larger, complex projects. Staff shall notice each public hearing in accordance with Sections 15-1-12 and 15-1-21.

H. **PLANNING COMMISSION ACTION**. The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. To approve a Master Planned Development, the Planning Commission shall make the findings outlined in Section 15-6-6. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Appeals of Planning Commission action shall be conducted in accordance with Section 15-1-18.

I. **DEVELOPMENT AGREEMENT**. Once the Planning Commission approves a Master Planned Development, the approval shall be put in the form of a Development Agreement approved by the City Attorney and shall contain, at a minimum, the following:

1. A legal description of the land;
2. All relevant zoning and Land Management Code parameters, including all findings, conclusions, and conditions of approval, specifying any exceptions pursuant to Chapter 15-6 outlining more or less restrictive Height or Setbacks;

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3. An express reservation of the future legislative power and zoning authority of the City;
4. A copy of the approved Site plan, architectural plans, Landscaping plans, Grading plan, trails and Open Space plans, and other plans, which are a part of the Planning Commission approval;
5. A description of all Developer exactions or agreed upon public dedications;
6. The Developers agreement to pay all specified impact fees;
7. The form of ownership and operation of the project;
8. A specific project phasing plan;
9. A list and map of all known Physical Mine Hazards on the Property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards;
10. A map and inventory of all Historic Structures on the Property and a Historic Structures Report prepared by a qualified Historic Preservation Professional.

The Planning Commission shall hold a public hearing prior to ratifying a Development Agreement. A Development Agreement ratified by the Commission shall be signed by the Mayor and the Applicant and recorded with the Summit County Recorder. The Development Agreement shall contain language to allow for minor, administrative modifications without revision of the agreement. The Applicant shall submit a draft Development

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Agreement to the Planning Department within six (6) months of the date the Planning Commission approved the Master Planned Development, or the Planning Commission approval shall expire.

J. **LENGTH OF APPROVAL**. Construction, as defined by the International Building Code, is required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the Master Planned Development shall remain valid as long as it is consistent with the approved project phasing plan set forth in the Development Agreement. The project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the Master Planned Development.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years when the Applicant demonstrates no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the Master Planned Development requirements in the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surrounding Properties. Applicants must submit written extension requests to the Planning Department prior to the expiration of the Master Planned Development. Staff shall notice extension request and public hearings according to Sections 15-1-12 and 15-1-21.

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K. **MPD MODIFICATIONS**. The Planning Commission shall determine whether a proposed modification to an approved Master Planned Development is minor or substantive.

1. **Minor Modification.** A minor modification to an approved Master Planned Development is a modification that complies with the Land Management Code and Master Planned Development approval and does not trigger additional Off-Street Parking requirements, does not reduce Open Space, and does not increase traffic by 5% or more as demonstrated by a traffic generation study. The Planning Director shall review and take Final Action on a minor modification to a Master Planned Development and shall issue an Administrative Permit for an approval. The Administrative Permit approval of minor modifications may be appealed to the Planning Commission.
2. **Substantive Modifications.** Substantive modifications to an approved Master Planned Development create additional impacts and require review of the entire Master Planned Development and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. Substantive modifications include but are not limited to a change to a Finding of Fact or Condition of Approval, a change in Use or an increase in Floor Area that triggers additional Off-Street Parking requirements, a change in Use or an increase in Floor Area that generates more than a 5% increase in traffic demonstrated by a traffic generation study, or a reduction in Open Space.

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L. **SITE SPECIFIC APPROVALS**. Any portion of an approved Master Planned Development may require additional review by the Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the Master Planned Development approval.

Site specific approvals must comply with the review criteria of the Master Planned Development approval and the Conditional Use permit criteria. The Planning Department will review Site specific plans, including Site layout, architecture, and Landscaping plans for compliance with the Master Planned Development and Land Management Code prior to issuance of a Building Permit.

M. **PRIOR APPROVALS.** Prior to final approval of a Master Planned Development that is subject to an Annexation Agreement, the Commission shall make findings that the project is consistent with the Annexation Agreement.

HISTORY

Adopted by Ord. 02-07 on 5/23/2002

Amended by Ord. 06-22 on 4/27/2006

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 11-05 on 1/27/2011

Amended by Ord. 2016-44 on 9/15/2016

Amended by Ord. 2017-15 on 3/30/2017

Amended by Ord. 2020-45 on 10/1/2020

Amended by Ord. 2024-21 on 12/12/2024

15-6-5 Master Planned Development Requirements

. . .

E. **OFF-STREET PARKING**

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1. The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of the Land Management Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a ~~Parking analysis~~ Transportation Impact Study and Transportation Demand Management Plan submitted by the Applicant at the time of Master Planned Development submittal. The ~~Parking analysis~~ Planning Commission shall ~~contain, at a minimum,~~ consider the following information:
    a. The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
    b. A Parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy Parking.
    c. Parking needs for non-dwelling Uses, including traffic attracted to Commercial Uses from Off-Site.
    d. An analysis of time periods of Use for each of the Uses in the project and opportunities for shared parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.
    e. A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.
    f. Provisions for overflow Parking during peak periods.
    g. An evaluation of potential adverse impacts of the proposed Parking reduction and Density increase, if any, upon the surrounding neighborhood and conditions of approval to mitigate such impacts.

    The Planning Department shall review the ~~Parking analysis~~ Transportation Demand Management Plan and provide a recommendation to the Commission. The Commission shall make a finding during review of the Master Planned Development as to whether ~~or not~~ the ~~Parking analysis~~ Transportation Demand Management Plan supports a determination to increase or decrease the required number of Parking Spaces.

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. . .

HISTORY

Adopted by Ord. 02-07 on 5/23/2002
Amended by Ord. 04-08 on 3/4/2004
Amended by Ord. 06-22 on 4/27/2006
Amended by Ord. 09-10 on 3/5/2009
Amended by Ord. 10-14 on 4/15/2010
Amended by Ord. 11-05 on 1/27/2011
Amended by Ord. 11-12 on 3/31/2011
Amended by Ord. 13-23 on 7/11/2013
Amended by Ord. 15-36 on 6/25/2015
Amended by Ord. 2016-44 on 9/15/2016
Amended by Ord. 2017-46 on 8/17/2017
Amended by Ord. 2020-09 on 1/30/2020
Amended by Ord. 2020-45 on 10/1/2020
Amended by Ord. 2022-16 on 5/26/2022
Amended by Ord. 2025-11 on 6/5/2025

15-6.1-9 Parking

A. Affordable Master Planned Developments shall comply with Chapter 15-3, Off-Street Parking.

B. The Applicant may request that the Planning Commission reduce the parking required by Section 15-3-6, Parking Ratio Requirements For Specific Land Use Categories. To request a parking reduction, the Applicant must:

1. Demonstrate that parking reductions materially increase the feasibility of the proposed Affordable Master Planned Development;

2. Fund and submit a ~~parking and traffic~~ Transportation Impact Study and Transportation Demand Management Plan. The City will complete a third-party review of the submitted study at the Applicant's expense ~~completed by a third party selected by the City~~; and

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3. Demonstrate that the proposed Affordable Master Planned Development sufficiently addresses the parking demand for the project.

. . .

HISTORY

Adopted by Ord. 2021-10 on 2/25/2021

Amended by Ord. 2021-18 on 4/29/2021

15-3-2 Requirement

A. An Applicant shall provide required Off-Street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles, required Electric Vehicle Charging Station Infrastructure, and Electric Vehicle Charging Station installations at the time a Building is erected or enlarged.

B. If any land, Structure, or Use is changed to create more Off-Street parking demand, the Owner must provide such additional Off-Street parking and required Electric Vehicle Charging Station Infrastructure and installation for the new Use.

C. Required parking must be on-Site unless the Planning Commission allows such parking on adjacent or nearby deed restricted Lots.

D. Off-Street parking required for approved Uses shall not be separately leased for Off-Site or alternate Uses unless specifically approved by the Planning Commission or the Special Events Department.

HISTORY

Adopted by Ord. 00-25 on 3/30/2000

Amended by Ord. 2020-48 on 11/19/2020

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ATTACHMENT 2

a. 2026 Transportation Impact Study Guidelines
b. Transportation Demand Management Toolbox

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Parametrix
ENGINEERING . PLANNING . ENVIRONMENTAL SCIENCES
4179 RIVERBOAT ROAD, SUITE 130 | SALT LAKE CITY, UT 84123 | P 801.307.3400

TECHNICAL MEMORANDUM

UPDATED JUNE 18, 2026

DATE: June 1823, 20263
TO: John Robertson, PE
FROM: Kyle Stahley, PE
Charles Allen, PE, PTOE
SUBJECT: Transportation Impact Study Guidelines

This memorandum includes the transportation impact study guidelines and transportation demand management toolbox prepared for Park City. The guidelines and toolbox are based on recommendations from the ITE Recommended Practice manual for *Multimodal Transportation Impact Analysis for Site Development* along with guidance from the UDOT *Traffic Impact Study Requirements.* Additionally, the toolbox was created based on multiple conversations with City staff and references similar work done by multiple agencies, and accepted resources such as the ITE Trip Generation Handbook and the Victoria Transport Policy Institute, amongst others. The guidelines and TDM toolbox were reviewed and revised by Park City staff and a third-party engineering consultant.

PARK CITY TRANSPORTATION IMPACT STUDY (TIS) GUIDELINES AND TRANSPORTATION DEMAND TOOLBOX

The following guidelines and toolbox have been approved by the City Engineer's Office of Park City Municipal Corporation and reviewed by the Planning Commission to provide a framework for when a transportation impact study and the TDM toolbox may be required for new land use developments or redevelopments in Park City. The required contents of the transportation impact study are also provided in these guidelines.

A project scoping memo and analysis of the site using the TDM toolbox Transportation impact studies should be submitted to the City concurrent with or prior to submittal of the development application as action will not be taken on the application until final approval of the transportation impact study. Along with the scoping memo transportation impact study, the intake checklist attached at the end of this document should be completed and included with the submittal.

Project Scoping Memo

A scoping memo and a site plan, based on the results of applying the TDM toolbox, should be prepared and submitted to the Planning and City Engineering department prior to beginning the transportation impact study to clarify the details of the proposed development projectshould be prepared and submitted to the City Engineering department prior to beginning the transportation impact study to clarify the proposed development project details. The scoping memo should include the following items:

- Description of the proposed development's land uses,
- Anticipated construction schedule,
- Preliminary site plan,
- Project location and site access,
- Estimated vehicular trip generation and mode share assumptions,
- Project trip distribution,

- Proposed study intersections,
- Proposed traffic volume growth rates, and
- Any other relevant project-specific information.

Given the unique nature of vehicle traffic and seasonal patterns in Park City, city staff may amend the impact study requirements on a project-by-project basis.

Study Requirement Thresholds

A project scoping memo is required if a project generates 10 new peak hour (AM or PM) trips. A transportation impact study, in general, is required when ~~a proposed~~a proposed development or redevelopment is unable, at a minimum, to mitigate 50% of the new peak hour trips. To incentivize TDM features beyond the minimum requirement, every % above the minimum increases the trip impact threshold of analysis for a TIS. ~~will generate 25 or more net new vehicle trips during the weekday AM or PM peak hour or other analysis hour at the discretion of Park City staff~~. For example, a project must study all intersections receiving 25 or more project generated trips. If a project proposes credits adding up to 60% of the total trip generation (10% over the minimum), the threshold of analysis increases to 35 trips. (A transportation site assessment to document sight distance, turn lane warrants, circulation, parking, and safety issues may be required at the site driveways); UDOT may still require a TIS following state TIS standards.

Table 1 shows the approximate land use size that would generate 10~~25~~ new vehicle peak hour trips. ~~during the weekday PM peak hour. In addition to the weekday PM peak hour, the weekday AM peak hour should also be reviewed to estimate the trip generation of the proposed development. Studies are only required to analyze the peak hours in which the proposed project would be anticipated to generate 25 or more vehicle trips. Proposed developments may take credit for the vehicle trips generated by existing land uses to be replaced on the project site.~~

Table 1. Approximate Size of Development to Generate 10 ~~25 Weekday PM~~ Peak Hour Trips

Land Use	ITE Land Use Code	Land Use Size
Single Family Detached Housing	210	10~~25~~ dwelling units
~~Single Family Attached Housing~~	~~215~~	~~45 dwelling units~~
Multifamily Housing (Low~~Mid~~-Rise)	220~~1~~	20~~60~~ dwelling units
Hotel	310	15~~40~~ rooms
General Retail	822	1,~~35~~,000 sf
Office	710	~~1~~5,000 sf
Sit-Down Restaurant	932	2,500 sf
~~Fast Food / Fast Casual Restaurant~~	~~934~~	~~800 sf~~

Source: ITE *Trip Generation*, 11th Edition

Study Area Intersections

All transportation impact studies will analyze at least five main intersections in Park City, including the following:

- Park Avenue / Kearns Boulevard,
- Bonanza Drive / Kearns Boulevard,
- Comstock Drive / Kearns Boulevard,

- Park Avenue / Deer Valley Drive, and
- Bonanza Drive / Deer Valley Drive.

In addition to the required intersections listed above, the study should also analyze the site access driveway to the public roadway and intersections based on the following criteria:

- Roundabouts or traffic signals impacted by 20 or more new weekday peak hour vehicle trips,
- Stop-controlled intersections impacted by 20 or more combined new weekday peak hour vehicle trips on stop-controlled approaches, and
- Any additional study intersections (including side-street stop-controlled intersections) at the discretion of city staff based on the proposed project's location, size, or land use type.

Study Time Period

The design day for the transportation impact study should reflect a typical Friday during the peak winter (January to mid-March) period. Friday was chosen as the design day due to the combination of typical day-to-day traffic including school and employment as well as increased weekend visitor traffic. The required study time periods include the highest one hour of adjacent street traffic during the AM (8-10 a.m.) peak and PM (3:30-5:30 p.m.) peak hours.

Traffic Data

Existing traffic data will be collected by Park City at the five core signalized intersections (listed above) during the peak winter period and provided to the project developer for each of the required peak study periods. Traffic data at additional locations should be collected by the project developer at each intersection for each required peak period and adjusted using seasonal adjustment factors shown in Table 2. At some intersections, it may be appropriate to increase or decrease specific movements (e.g., those which would or would not be affected by seasonal traffic) by higher percentages than others; however, the total entering intersection volume should be adjusted consistent with the seasonal adjustment factor shown. The methodology used to factor intersection traffic volumes should be described in detail in the transportation impact study.

Proposals to use alternate traffic count data or alternate seasonal adjustment factors should be clearly stated with justifying information in the project scoping memo for approval by City Engineering staff.

Table 2. Traffic Count Adjustment Factors (Estimated Percent of Peak)

Count Season	AM Peak Hour	PM Peak Hour
Winter (11/1-4/1)	100%	100%
Spring (4/1-6/15)	70%	70%
Summer (6/15-9/1)	75%	85%
Fall (9/1-11/30)	75%	80%

Source: UDOT Continuous Count Station Data, 2022

Project Trip Generation

Site-generated trips for all modes of travel (e.g., vehicular, walking, bicycling, and transit) expected for the proposed development should be estimated using trip generation rates and methodologies described in the most recent editions of the ITE *Trip Generation* and ITE *Trip Generation Handbook*. Trip generation rates published in *Trip Generation* for the weekday peak hours may be used if Friday-specific data is not available for the project land uses(s). When available, additional information collected from surveys of similar developments, local mode

share data, or US Census data can also be utilized to aid in calculations of trip generation and mode split estimates. Assumptions used to determine the trip generation (including transit and non-motorized transportation mode splits), as well as any supplemental backup data, should be clearly described and documented in the project scoping memo for approval and in the completed transportation impact study.

Project Trip Distribution and Assignment

The project trip distribution should be determined using the best available information for the area with project trips assigned to the roadway network using realistic routing estimates. The methodology and assumptions used to develop the project trip distribution should be outlined and documented in the scoping memo and the completed transportation impact study.

Traffic Volumes

Traffic volumes should be developed for the following analysis scenarios:

- Existing,
- Year of project opening (if different from existing) without project-generated traffic volumes (baseline),
- Year of project opening with project-generated traffic volumes,
- Ten years beyond year of project opening without project-generated traffic volumes, and
- Ten years beyond year of project opening with project-generated traffic volumes.

Any intermediate project phases anticipated to be completed and occupied before project buildout should also be evaluated.

Existing traffic volumes should be based on counted and seasonally adjusted traffic data. Future, without-project traffic volumes should be developed using annual growth rates determined from the Summit County Transportation Demand Model as well as include traffic volumes from other in-process developments that have been submitted with complete applications but yet to be constructed. Park City staff will provide a list of in-process projects to be considered.

Traffic Operations Analysis

Traffic operations at study intersections should be analyzed using the most recent *Highway Capacity Manual* methodology. Peak hour factors should be calculated and applied to the intersection as a whole, whereas heavy vehicle percentages should be applied by approach or individual movement. Each study intersection's level of service (LOS) and average vehicle delay should be reported. The City requires an operational standard for intersections that maintains overall steady traffic conditions with higher densities that may experience congestion on critical approaches, equivalent to LOS D or better.

In addition to vehicular level of service, the 50th and 95th percentile queue lengths and available queue storage should be reported for each intersection. At intersections where the 50th percentile peak hour queue exceeds the available storage, the traffic operations analyses should be reviewed to determine if spillback queueing affects the traffic operations at other intersections within the roadway network.

Context-sensitive mitigation measures should be examined for intersections that exceed the level of service standard or produce queues that affect traffic operations at other intersections. These measures may include, but are not limited to, the implementation of transportation demand management and trip reduction agreements, physical roadway improvements, and/or changes to traffic control or optimization of traffic signal timing.

Software files for all analysis and mitigation scenarios should be submitted to the City Engineers office along with the transportation impact study.

Site Access Analysis

The connection of how each vehicular site access connects to the existing roadway system and the level of service at each access point should be evaluated. Include analysis showing the driveway sight triangles meet sight distance requirements published in the AASHTO *A Policy on Geometric Design of Highways and Streets*. The access points for people walking and biking to the proposed development should be described. The location of commercial vehicle access for loading/unloading and deliveries should be evaluated.

Parking

The parking demand for the proposed project should be estimated and compared to the proposed supply and the requirements specified in the Park City Municipal Code. Reductions to the parking supply requirements described in the Park City Municipal Code may be presented for Planning Commission approval. Coordination with Park City planning department staff should be initiated before submittal of the study for any parking reduction requests.

The location, access, and quantity of on-site bicycle parking that is being provided for both short-term users and secure, long-term use should also be documented.

Traffic Safety

Historical crash data should be summarized at each study intersection for the previous five-year period using records from the Numetric database. Crash patterns should be identified and described along with anticipated changes that could occur with the proposed project's development. For any proposed roadway improvements, a safety analysis using crash modification factors as outlined in the AASHTO *Highway Safety Manual* should be conducted to compare the predictive safety of different types of treatments that could be implemented at the location.

Non-Motorized Transportation

The estimated mode share and number of trips for people walking and bicycling to the proposed development, completed as part of the trip generation, should be documented. The pathways and routes people will use to connect to the non-motorized transportation network (including any planned improvements) should be documented.

Transit Access Analysis

Existing transit lines and service headways within one-quarter mile of the proposed project should be documented. The estimated mode share and number of trips for people walking to transit, completed as part of the trip generation, should be described along with evaluating the safe walking route and estimated distance to access the nearby transit stops from the proposed development.

Park City Transportation Impact Study (TIS) Intake Checklist

Project Address: _____

Project Land Use(s) and Quantity: _____

TIS Scoping Memo Submittal Date: _____ Approval Date: _____

ITE *Trip Generation* Edition: _____

Weekday AM Peak Hour Net New Trip Generation: _____

Analysis Required: Yes ☐ No ☐

# of Study Intersections: _____

Weekday PM Peak Hour Net New Trip Generation: _____

Analysis Required: Yes ☐ No ☐

# of Study Intersections: _____

Traffic Operations Analysis Software / Edition: _____

AASHTO *A Policy on Geometric Design of Highways and Streets* Edition: _____

ITE *Parking Generation* Edition: _____

Proposed Parking Supply: _____

Estimated Parking Demand: _____

Crash Records Source / Years: _____

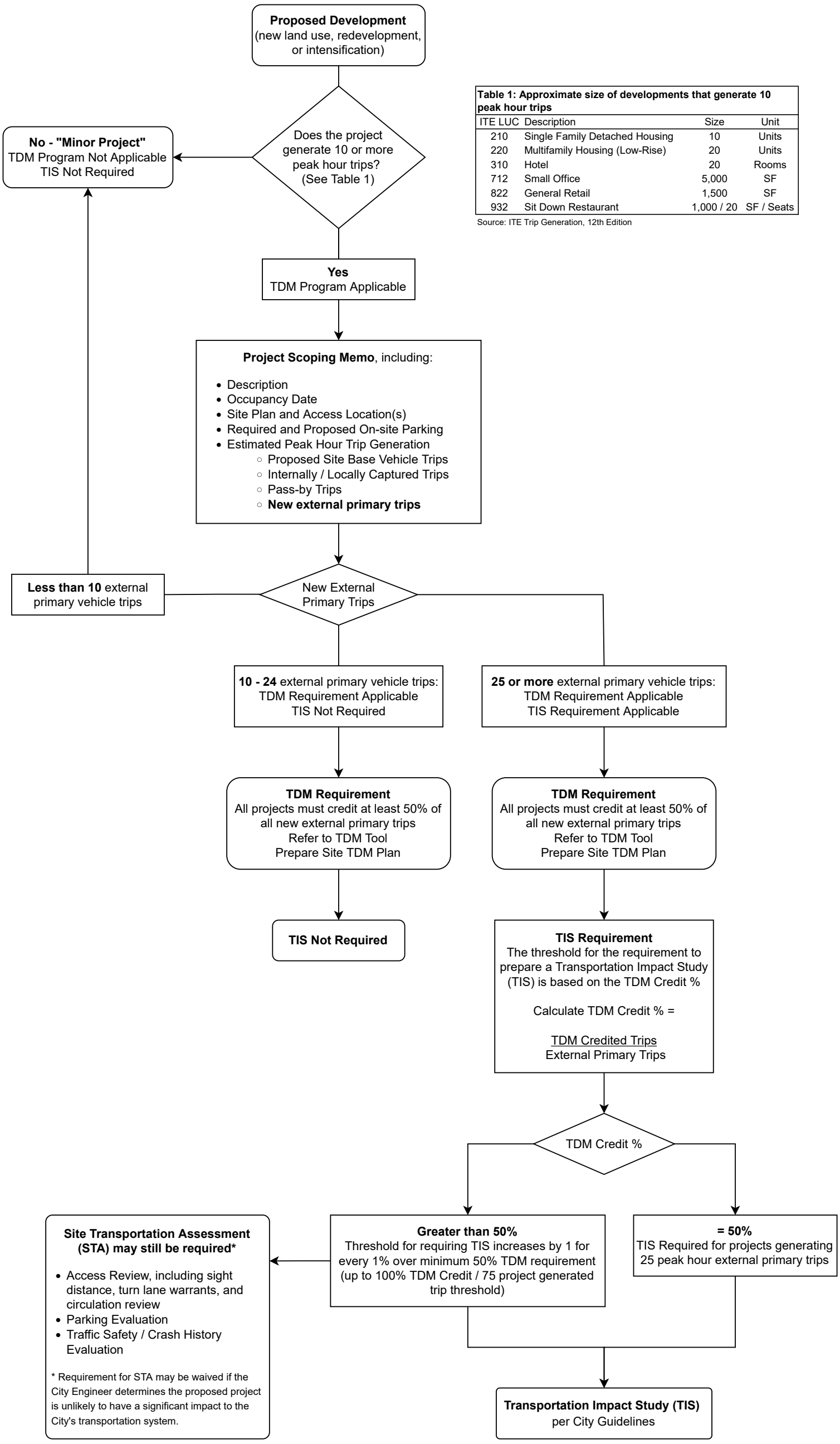


Table 1: Approximate size of developments that generate 10 peak hour trips

ITE LUC	Description	Size	Unit
210	Single Family Detached Housing	10	Units
220	Multifamily Housing (Low-Rise)	20	Units
310	Hotel	20	Rooms
712	Small Office	5,000	SF
822	General Retail	1,500	SF
932	Sit Down Restaurant	1,000 / 20	SF / Seats

Source: ITE Trip Generation, 12th Edition

THIS TOOL IS IN DRAFT FORMAT
The TDM Tool is in development; process and values are draft and in development

I understand, show me the base tool!

Step 1: Enable VBA Macros for functionality

In Windows Explorer, right click on the file and select "Properties"
In the "General" tab, check the "Unblock" box, select "OK"
Reopen the file; in the warning banner below the ribbon, click "Enable Content"
Directions to enable VBA Macros are located here: Steps to Enable VBA Macros

Reset yellow cells

Step 2: Define the Project

Project Name

Enter the estimated size of the general land use below in the yellow boxes below:

Land Use		Units
Residential - Single Family Detached Housing		Dwelling Units
Residential - Multifamily / Attached Housing		Dwelling Units
Hotel / Lodging		Rooms
Commercial - Office		Square Feet
Commercial - Retail		Square Feet
Commercial - Restaurant		Seats
Medical / Institutional / School		Square Feet
Childcare		Students
Other		Square Feet

TDM Policy is not applicable to the proposed project.
No further TDM Steps needed.

Step 3: Prepare Project Scoping Memo

Refer to Park City TIS Guidelines:
https://parkcity.gov/home/showpublisheddocument/74556/638423924640122877

Enter the following information in the yellow cells:

Proposed Site PM Peak Hour Primary External Vehicle Trips[1]	
Baseline TDM Credit Requirement	50%
TDM Credit Adjustment (to be confirmed by City)[2]	0%
Adjusted TDM Credit Requirement	50%
Total Trip Credit Requirement	0

Required On-Site Parking from Zoning Code	
Provided On-Site Parking from Site Plan[3]	

[1] Site trip generation subtracting internal capture, pass-by trips, and walk-bike-transit mode trips. Trip generation estimate and trip classification methodology must follow standard engineering practice and be documented in the Project Scoping Memo.
[2] Adjustment to credit requirement (up to 50%) possible based on proportional share of trips generated by priority land uses (workforce housing, child care, etc.); coordinate adjustment with City staff.
[3] Parking spaces designated for carsharing are not intended to count towards on-site parking requirements.

Step 4: Go to Project Specific TDM Tool

Add TDM Features proposed as part of the project. TDM features are broadly grouped into:

Site Design and Layout
Site Programs and Policies
On- and off-site Infrastructure

→ These TDM features will likely require annual reporting

Only TDM Features applicable to the proposed land uses entered above will be visible.

Details of each TDM Measure are available by clicking on the link in the main TDM Tool tab body:

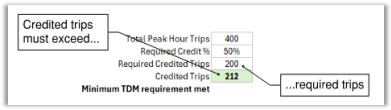


In the Details tab, enter the appropriate information about how the TDM Measure will be applied.
Enter values in yellow highlighted cells only

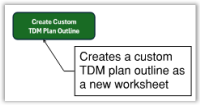
Return to the main TDM Tool tab by clicking the "<<Main Page" link in the upper right of each tab.
Click the "Reset" button to erase all values in the yellow cells. **WARNING**: This cannot be undone.



A running total of the TDM credited trips compared to the TDM requirement is in the upper right hand corner. As TDM Features are added, the cumulative number of credited trips is summed in cell O6. To meet the TDM Requirement, the total credited trips must equal or exceed the TDM Trip Credit Requirement (cell O5).



When the TDM features have been entered and you are ready to prepare an outline of the TDM Plan based on the slected features, you may click the green "Create Custom TDM Plan Outline" which will create a list of the features selected and ther required documentation and reporting for the feature.



I understand, show me the base tool!

Created by WCG / METHODS Consulting with support from Park City Public Works and Planning Commission Staff
Adapted from TDM Guidelines and Policies from communities throughout the United States, with special thanks to Aspen CO, Jackson WY, South Burlington VT, and many others.

For more information on the development of this tool, please email hello@methodsconsulting.com or visit https://methodsconsulting.com/contact/

DRAFT TOOL - Tool, process, and values are under development - DRAFT TOOL

Required from all Projects:

TDM Plan Coordinator / Administrator	Total Peak Hour Trips		
Participate in annual survey	Required Credit %	50%	
Distribute annual TDM information	Required Credited Trips	0	
Monitoring / Reporting	Credited Trips	**0**	
Plus credits totaling 0 from menu below	**TDM Requirement not applicable**		
	TIS Trip Generation Analysis Threshold	25	

Menu Category	Brief Description	Level of Application	Credits
Site Design & Layout			
SDL 1: Active street level land uses	Ground-level land uses open to the public fronting to a street-facing sidewalk	None	0
SDL 2: Site designed for transit, walking, bike access	Layout and site design supportive of walk, bike, or transit access	None	0
SDL 3: Provide perpetual public access easement for sidewalk, trail, signature trail, or grade seperated crossing	Easement along roadway frontage for planned / future bike-ped facilities	None	0
SDL 4: Provision for future sidewalk or trail connection to / through adjacent properties	Direct bike-ped connections to adjacent lots	None	0
SDL 5: Pedestrian Directness Factor	Direct pedestrian connections from building entrances to the pedestrian network	None	0
SDL 6: Site access consolidation	Reduce the number of access points from the site to the public road network	None	0
SDL 7: Complimentary on-site amenities	Features within the development that reduce external trips	None	0
SDL 8: Centralized delivery of goods for multi-tenant facilities	Consolidated service vehicle access	None	0
Site Programs			
SP 1: Car share program	Car share program on- or near site	None	0
SP 2: Bike share program	Bike share program on- or near site	None	0
SP 3: Transit incentives	Benefits provided to residents / guests / employees who travel via transit modes	None	0
SP 4: Parking reduction / parking below required minimum	Incentive to limit parking spaces and reduce vehicle travel to site	None	0
SP 5: Parking above required minimum	Disincentive to increase parking spaces and encourage vehicle travel to site	None	0
SP 6: Parking management / shared parking	Parking management practices to reduce vehicle demand to site	None	0
SP 7: Employee parking cash out	Employee incentives to reduce vehicle demand to site	None	0
SP 8: Unbundle residential parking	Onsite parking is an additional monthly cost in rental agreement	None	0
SP 9: Alternative work schedules / flex time / telecommuting	Modifications to standard work days / shift periods to reduce peak hour travel demand	None	0
SP 10: On-site childcare	Service available to on-site caregivers to reduce external peak hour trips	None	0
SP 11: Service vehicle / delivery vehicle management	Management of service vehicles to reduce external peak hour trips and sustainable delivery methods	None	0
SP 12: Shuttle service	Dedicated or shared shuttle service for residents, guests, contractors, and/or employees	None	0
On- and/or Off-Site Features / Infrastructure			
FI 1: Activated internal streetscape	Enhanced elements within the site to increase comfort and convenience for people walking and biking	None	0
FI 2: Activated public road streetscape	Enhanced elements within the public ROW to increase comfort and convenience for people walking and biking	None	0
FI 3: Enhanced crosswalk elements	Features to improve pedestrian safety and comfort at crossing locations	None	0
FI 4: Construct segment of sidewalk, trail, or signature trail	New or substantially improved bicycle and pedestrian network	None	0
FI 5: Pedestrian amenities	Features to make the pedestrian environment more comfortable and inviting	None	0
FI 6: Transit stop amenities	Features to make the transit environment more comfortable and inviting	None	0
FI 7: End-of-trip bicycle facilities	Features to make the bicycle environment more comfortable and inviting	None	0
Custom / Site Specific TDM Features, Programs, and / or Elements			
C 1: **Coordinate with City Staff**			0

Active street level design

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To meet this criteria the project must meet the following requirements:

Credit Calculator

	yes / no
A. Buildings should have an active use on the ground level. Includes retail establishments, retail services, daycare facilities, community meeting spaces, educational and medical uses, civic spaces (theaters, museums, etc.), restaurants, bars, art and craft studios, Public Recreation Facilities. For buildings that are 100% residential, a lobby or other common space shall meet this requirement. Active uses do not include Private Recreation Facilities, private clubs, and other similar exclusive uses.	
B. All buildings shall have at least one main entry on all street-facing facades. This entry should be easily seen from the street and adjacent pedestrian way.	
C. On corner lots, two (2) entrances should be provided. At least one (1) of these entries should be located within twenty feet (20') of the corner	
Level of Application	**None**
3% Possible Credit — Credit	**0%**

Source(s):

https://www.transitwiki.org/TransitWiki/images/5/51/TCRP_TOD_Report.pdf

Quote:

Results of this research clearly show that TOD-housing results in fewer trips in the four urbanized areas that were studied. The research confirms the ITE trip generation and parking generation rates underestimate automobile trip reduction for TOD housing. The ITE manual presents weighted averages of trip generation. The weighted average vehicle trip rates for this study were computed for all 17 projects combined for weekday, AM peak, and PM peak. Over a typical weekday period, the 17 surveyed TOD-housing projects averaged 44% fewer vehicle trips than estimated by the ITE manual (3.754 trips versus 6.715). Weighted average differentials were even larger during peak periods: 49% lower rates during the AM peak and 48% lower rates during the PM peak.

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-3 - Provide Transit-Oriented Development (up to 31% reduction in VMT)

The feature contributes to a transit oriented design.

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-18 - Provide Pedestrian Network Improvement (up to 6.4% reduction in VMT)

The feature improves the pedestrian network.

Site designed for transit, walking, bike access

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To meet this criteria, the project must meet the following requirements:

Credit Calculator

y/n Criteria Met?			
	To qualify for "Low", must meet all four:	None	0%
	A. Minimal setbacks B. Building entrance onto fronting street(s) with direct continuous sidewalk connection C. Within 1/4 mile of transit stop D. Parking in rear of building or underground		
		Low	3%
	To qualify for "Med", must meet "Low" plus one of the following:		
	D: Site integrated with and adjacent to transit stop E: Along connected shared use path network		
		Med	5%
	To qualify for "High", must meet "Low" plus both of "Med".	High	8%

None	Level of Application
0%	Credit

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CAPCOA 21 treatment T-18 - Provide Pedestrian Network Improvement (up to 6.4% reduction in VMT)

The feature improves the pedestrian network.

Provide perpetual public access easement for sidewalk, trail, signature trail, or grade seperated crossing

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To meet this criteria the project must meet the following requirements:

A. Provide adequate space for the city to provide their planned facility on each side of the building fronting a public right-of-way.
B. If there is adjacent proposed tunnel, provide adequate space for tunnel to get up to grade without switchbacks.

Easement should support City bicycle and pedestrian network goals, coordinate with city transportation planning staff.
Current Park City bicycle and pedestrian plan: https://engageparkcity.org/bike-ped

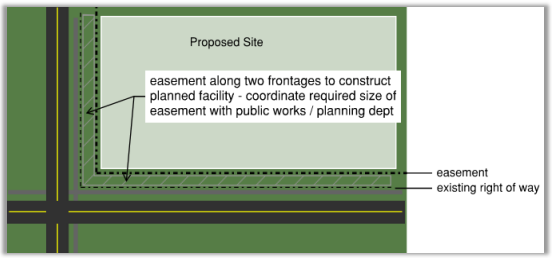
How to calculate:

Earn 1% point for one frontage with easement
Earn additional 3% if easement is for a priority project / identified in planning documents
Maximum 5%

Credit Calculator

		Credit
	Number of frontages with easement (0-4)	0%
	Is easement for a priority project?	0%
		0%
None	Level of Application	Max 5%
		Total Credit 0%

Example of a site with two frontage easements for a planned facility; coordinate with public works and planning departments to identify planned or priority projects



Source(s):

https://www.transitwiki.org/TransitWiki/images/5/51/TCRP_TOD_Report.pdf

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CAPCOA 21 treatment T-18 - Provide Pedestrian Network Improvement (up to 6.4% reduction in VMT)

The feature improves the pedestrian network.

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-17 - Improve Street Connectivity (up to 30% reduction in VMT)

The feature improves street connectivity.

Provision for future sidewalk or trail connection to / through adjacent properties

To meet this criteria the project must meet the following requirements:

A. Identify a continuous internal walkway, trail, or pathway route to an adjacent property / development
B. Route must be at least 50% more direct than route along frontages
C. Route must be accessible and open to the public
D. Route must be constructed as soon as receiving facility is complete
Neighboring sites should be commercial, mixed use, multi-family residential, a planned unit development, or a comp land use with a desireable pedestrian access connection

See also: Reduction in Pedestrian Directness Factor
Provision for future sidewalk or trail connection to / through adjacent properties

How to calculate:
Earn 1% point for each connection
Maximum 3%

Credit Calculator

		Credit
	Number of inter-lot connections (0-3)	0%
		0%
None	Level of Application	Max 3%
		Total Credit **0%**

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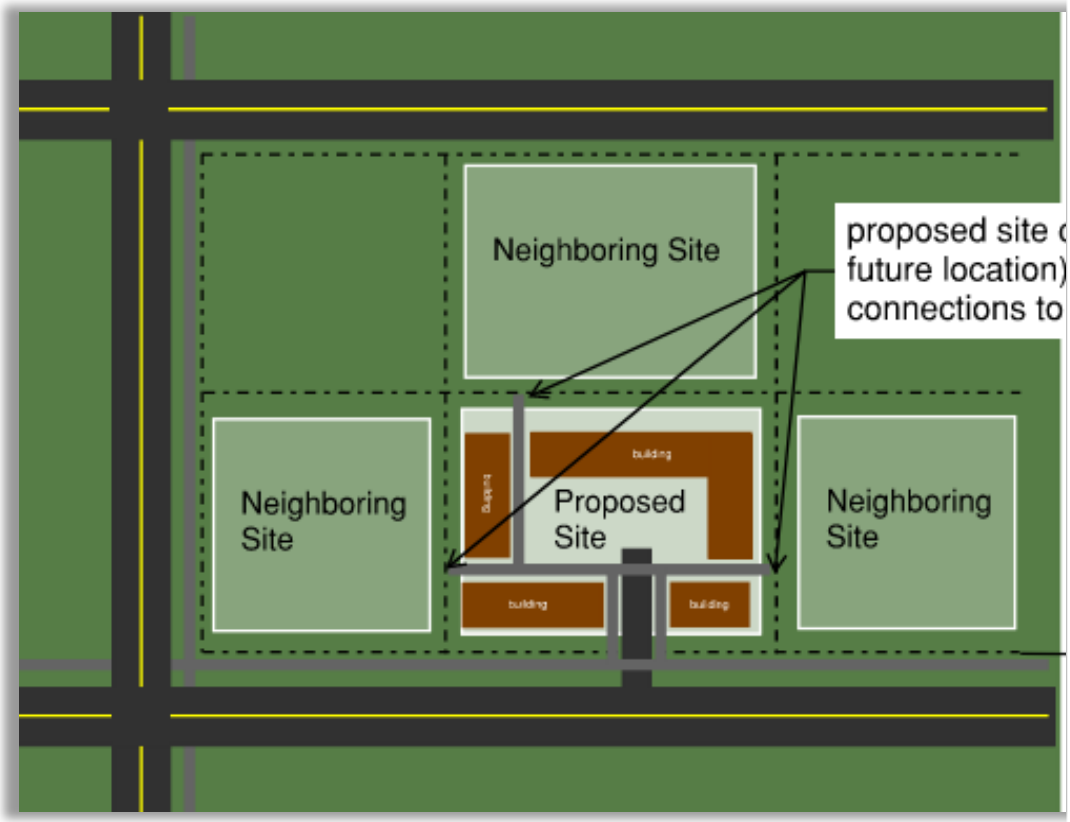
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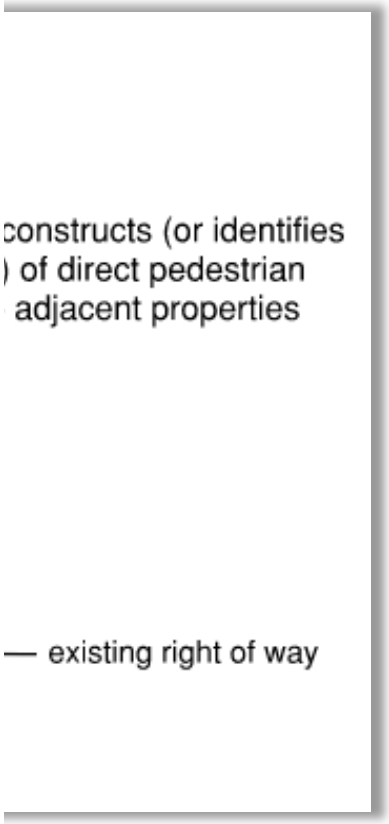
The feature improves street connectivity.

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Example of a site with three connections to neighboring sites



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constructs (or identifies
) of direct pedestrian
adjacent properties
— existing right of way

Pedestrian Directness Factor

Pedestrian route directness is the ratio of route distance to straight-line distance for two selected points. The lowest value is 1.00, where the route is the same distance as the "crow-flies" distance. Numbers closer to 1.00 indicate a m dirtect route and a more connected and convenient pedestrian network.

How to calculate:

1. Identify a representative building entrance. If multiple building entraces are present, the most remote entrance should be used.
2. Estimate the route distance, striaght line distance, and directness factor from representative entrance to each pedestrian network frontage access point, including future through lot connections (if proposed). Route distance must be along dedicated accessible pedestrian infrastructure.
3. Calculate the average directness factor (ADF).

Average Directness Factor (ADF)

Range High (equal or less than)	Range Low (above)	Credit	
1.50	1.40	1%	Low
1.40	1.20	3%	Med
1.20	1.00	5%	High

Credit Calculator

		Credit	
	Average Directness Factor	#N/A	#N/A

None Level of Application

Total Credit **0%**

Source(s):

https://www.transitwiki.org/TransitWiki/images/5/51/TCRP_TOD_Report.pdf

Quote:

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https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-3 - Provide Transit-Oriented Development (up to 31% reduction in VMT)

The feature contributes to a transit oriented design.

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-18 - Provide Pedestrian Network Improvement (up to 6.4% reduction in VMT)

The feature improves the pedestrian network.

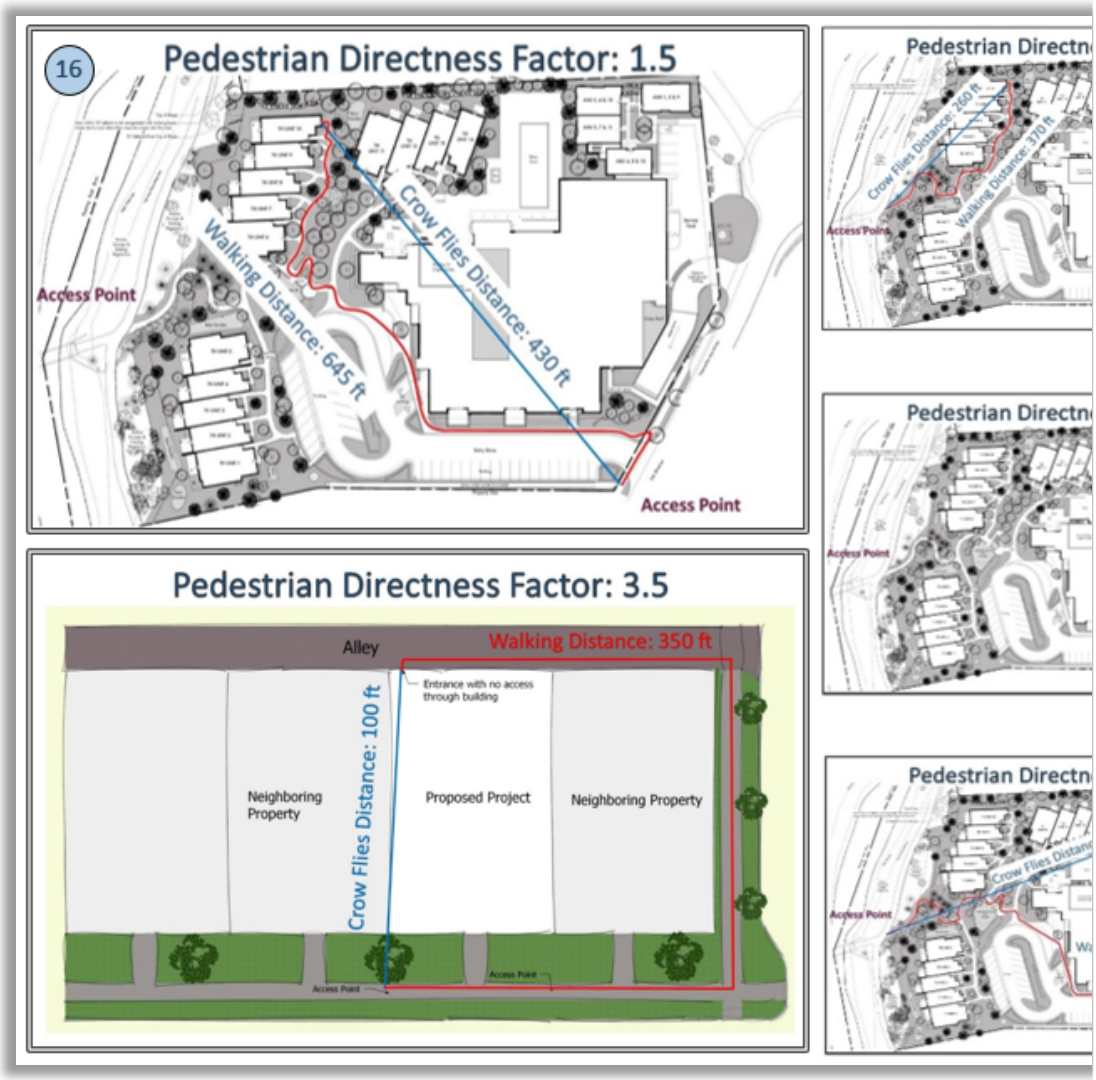
https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-17 - Improve Street Connectivity (up to 30% reduction in VMT)

The feature improves street connectivity.

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From City of Aspen CO TDM and MMLOS Toolkit:



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ess Factor: 1.6
Access Point
ess Factor: 1.1
Crow Flies Distance: 350 ft
Walking Distance: 400 ft
Access Point
ess Factor: 2.0
alking Distance: 1000 ft
Access Point

Site access consolidation (removing a driveway)

To meet this criteria the project must meet the following requirements:

Project must eliminate at least one access to the public road network / and or consolidate driveways with an adjace property.

When an existing site has multiple driveway accesses to the road network, removing a driveway reduces conflicts wi walking and biking, improves comfort for people walking and biking, and improves operational efficiency.

Credit Calculator

	Credit per access removed	2%
	Number of existing site accesses (up to 3)	
	Number of proposed site accesses	
0	Number of accesses removed	
		0%
None	Level of Application	
	Total Credit	**0%**

Source(s):

https://www.transitwiki.org/TransitWiki/images/5/51/TCRP_TOD_Report.pdf

Quote:

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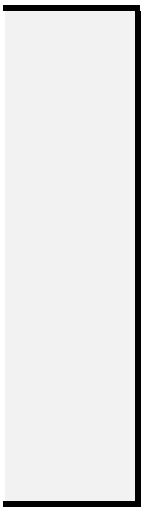
The feature contributes to a transit oriented design.

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-18 - Provide Pedestrian Network Improvement (up to 6.4% reduction in VMT)

The feature improves the pedestrian network.

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Complimentary on-site amenities

To meet this criteria the project must meet the following requirements:

Complimentary on-site amenities are intended to represent minor site features that may eliminate travel needs for t land uses on site. Examples may include shared laundry facilities for residential units; vending machines for comme office space; business center within a hotel; coworking space within a residential development; ATM on site; etc.

How to calculate:

Credit Calculator

Sum up points based on provided features

y = yes
n = no

Included?	Features:	Required Land Uses:
	Shared laundry / laundry on-site	Residential
	Bodega	
	Vending machines	Commercial / Institutional / Lodgir
	Business center	Lodging
	Coworking Space	Residential
	ATM	

Other amenities (describe, confirm with City Staff)

Total Points:

More than	Less than or equal to	Credit %
0	3	1%
3	8	2%
10	100	3%

Total Credit	**0%**
Number of Features	**0**

Source:

Institute of Transportation Engineers Trip Generation Handbook, 3rd Edition
Section 6: Trip generation for mixed use developments

The feature adds potential for reduced trips similar to internal capture from mixed use developments.

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ercial /

	Points:
	4
	4
ng	1
	2
	2
	1
Applied Points:	0

Centralized delivery of goods for multi-tenant facilities

To meet this criteria the project must meet the following requirements:

Centralized delivery of goods is intended to provide a single point of access for deliveries; this is intended to reduce trips between buildings and concentrate delivery activity to designated locations. Examples may include a single pa mailroom for tenants within multi-building developments, designated delivery vehicle parking, shared loading docks

Credit Calculator

	Possible Credit	1%
Does the site design support centralized delivery of goods?		

Level of Application **None** Total Credit **0%**

Source(s):

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-18 - Provide Pedestrian Network Improvement (up to 6.4% reduction in VMT)

The feature reduces heavy vehicle conflicts and contributes to an improvemenet in the pedestrian netwo

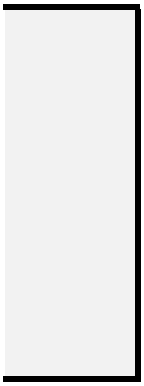
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The feature adds potential for reduced trips similar to internal capture from mixed use developments.

delivery
ckage /
s, etc.



rk.

rk.

Car share program

To meet this criteria the project must meet the following requirements:

Dedicated / contracted car share vehicle(s) available to the public / tenants of the proposed site

Credit based on:

- car share vehicles within project or adjacent to the project parcel (within 1/2 mile of entrance along acc
- each additional vehicle within project or adjancent parcel increases the base credit by 50%
  - For example: one car share vehicle on site, one car share vehicle on adjacent parcel
  - 5% base credit + (5% x 50% additional vehicle bonus) → 7.5% total credit, rounds to 8%
- max additional credit is 100% increase to base credit
  - For example, three car share vehicles on adjacent parcel within 1/2 mile of entrance
  - 3% base credit + (3% x 100% additional vehicle bonus) → 6% total credit

Credit not applicable towards retail, restaurant land uses.

Credit Calculator

mark one "x"	Nearest available vehicle	Possible Base Credit
	Car share vehicle(s) in adjacent parcel	3%
	Car share vehicle(s) within proposed development	5%
		Base Dista
	Total number of vehicles within 2,600 feet of primary entrance	
↑ must be at least 1 for credit		Additional Veh
		Max Additional Veh
None	Level of Application	

Documentation Requirement:

Service provider plan / agreement; agreement with adjacent property owner, if applicable
Annual program confirmation

Source(s):

https://www.vtpi.org/tdm/tdm9.htm?
A comprehensive Commuter Trip Reduction program typically reduces peak-period automobile trips by 4

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf

CAPCOA 21 treatment T-21-A/B Implement Conventional Carshare Program (up to 0.15% in VMT)

Car share program may reduce vehicle ownership and reliance on vehicle based trips.

cessible route)

	Applied Base Credit
	0%
	0%
ance Credit	0%
hicle Credit	0%
hicle Credit	100%
Total Credit	**0%**

4-20% at a worksite (Rye 2002; Boarnet, Hsu and Handy 2014),

Bike share program

To meet this criteria the project must meet the following requirements:

Dedicated / contracted bike share bicycle parking spots available to the public / tenants of the proposed site.
May include private program bicycles on site dedicated to tenants / guests.

Credit based on:

- distance from primary building entrance to the bike share location
- if multiple primary entrances, use the average distance from entrance
- distance must be measured along accessible pedestrian route

Bikes must be maintained in serviceable condition and adjustable for most adult rider sizes.

Credit Calculator

mark one "x"	Nearest available vehicle	Possible Base Credit
	Bike share vehicle(s) within 1,500 feet of primary entrance	1%
	Bike share vehicle(s) in adjacent parcel and <1,500 feet	3%
	Bike share vehicle(s) within proposed development	5%

		Base Dista
None	Level of Application	

Documentation Requirement:

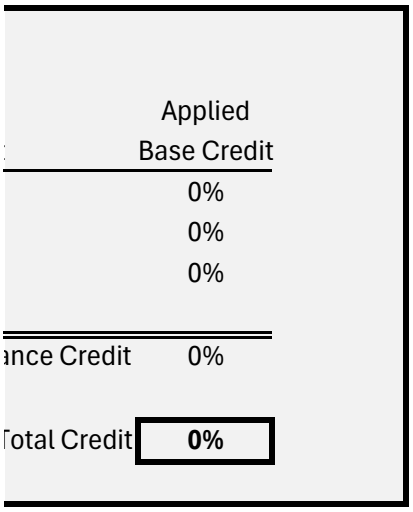
Service provider plan / agreement; agreement with adjacent property owner, if applicable
Annual program confirmation

Source(s):

https://www.vtpi.org/tdm/tdm9.htm?
A comprehensive Commuter Trip Reduction program typically reduces peak-period automobile trips by 4

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-22-A/B Implement Bikeshare Program (up to 0.15% in VMT)

Bike share program may encourage bicycle trip making and reduce vehicle ownership and reliance on ve



	Applied Base Credit
	0%
	0%
	0%
ance Credit	0%
Total Credit	**0%**

4-20% at a worksite (Rye 2002; Boarnet, Hsu and Handy 2014),

hicle based trips.

Transit incentives

To meet this criteria the project must meet the following requirements:

Provide significant incentives for transit usage. Credit based on cumulative point value of incentives.

Credit Calculator

y / n Provided?	Incentive
	Flexible work hours to match transit schedules
	Transit use monthly bonuses
	Priority on-site perks like reserved locker space
	Pre-tax commuter benefits
	Paricipation in employee vanpool programs
	Participating in City-sponsored transit incentive programs, such as Ride-On.
	Welcome package coordinated with airport shuttle (requires airport shuttle)

Other Incentives

	Description

Total Points:

More than	Less than or equal to	Credit %
0	2	1%
2	7	3%
7	100	5%

Total Credit	**0%**
Number of Incentives	**0**

Documentation Requirement:

- Transit incentive plan
- Annual program confirmation

See also: Alternative work schedules / flex time / telecommuting

Source(s):

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-9 Implement Subsidized or Discounted Transit Program (up to 5.5% reduction ir

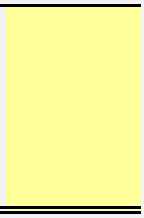
This feature may incentivize transit-based trips.

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	Points
	1
	2
	1
	1
	3
	1
	2



0

Low
Med
High

0 Level of Application

า VMT)

Parking reduction / parking below required minimum

To meet this criteria the project must meet the following requirements:

Calculate parking requirement per zoning code (RP)
Document on-site parking (OP)
Parking spaces designated for carsharing are not intended to count towards the required minimum.
Document percent below required minimum (%BRM = [RP - OP] / RP)

For example: zoning-required parking = 100 spaces, on-site parking = 80 spaces
%BRM = (100 - 80) / 100 = 20%

Parking below required minimum may require parking management documentation and approval from city staff, inc shared parking management, off-site parking, or other considerations

%BRM Range Low (greater than or equal to)	Range High (less than)	Credit	
1%	10%	1%	Low
10%	25%	5%	Med
25%	--	10%	High

Credit automatically calculated and applied based on "Project Details" tab.

Credit Calculator

Total Number of Parking Spaces
(↓ Should come from "Project Details" tab, cells G29 / G30) Project Details Tab

0	Required parking per zoning code	RP
0	Provided on-site parking	OP

% Below Required Minimum (%BRM) n/a

None Level of Application **Total Credit** **0%**

Documentation Requirement:

Parking waiver documentation

Source(s):

https://www.vtpi.org/tdm/tdm28.htm

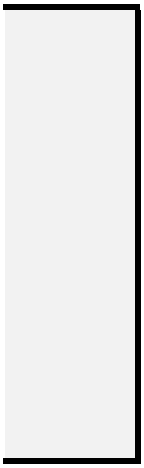
In many situations, parking standards for new facilities, and the supply of parking at existing f can be reduced without creating significant parking problems, particularly if implemented as an integrated parking management program. More accurate and flexible parking requirement

means that parking standards reflect the parking demand and costs at a particular location, t
account geographic, demographic, economic and management factors. This allows parking r
to be reduced in exchange for implementation of specific parking and mobility management

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-15 Limit Residential Parking Supply (up to 13.7% reduction in VMT)

Fewer parking spaces may incventivize non-vehicle trips.

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taking into
requirements
strategies...

Parking above required minimum

If the project proposes parking above the required a minimum, the project is expected to induce vehicle travel.
This does not apply to remote parking lots, intercept lots, transit facilities or other similar land uses.
Parking spaces designated for carsharing are not intended to count towards the required minimum.

-20% Credit applied if provided parking exceeds minimum

Credit automatically calculated and applied based on "Project Details" tab.

Credit Calculator

Total Number of Parking Spaces
(↓ Should come from "Project Details" tab, cells G29 / G30) Project Details Tab

0	Required parking per zoning code
0	Provided on-site parking

Provided parking is at or below required minimum n/a

None	Level of Application	**Total Credit**	**0%**

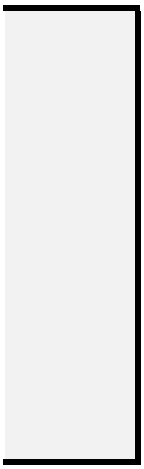
Source(s):

https://www.vtpi.org/tdm/tdm28.htm

Some communities limit on the maximum amount of parking capacity allowed at particular sites or within a particular area, particularly in growing Commercial Centers (Millard-Ball 2002; Manfille and Shoup 2004)

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-15 Limit Residential Parking Supply (up to 13.7% reduction in VMT); applying th

Excessive parking spaces may increase non-vehicle trips.



e inverse

Parking Management / Shared Parking

To meet this criteria the project must meet the following requirements:

The parking at the project must contain a combination of the following traits

- On-site or adjacent complimentary land uses (offset peak demands) with an agreement for shared parki
- Paid parking (hourly, daily, or longer term)
- Time limited parking (15-minute, 1-hour, etc)
- Participation in a parking management district
- Other management techniques subject to City approval

How to calculate:

Credit Calculator

Sum up points based on provided features

	y	= yes, management technique is included
(or blank)	n	= no, management technique is NOT proposed

Included?	Features:
	On-site or adjacent complimentary land uses with an agreement for shared parki
	Paid parking (hourly, daily, or longer term)
	At least 20% of parking is time-limited (commercial only)
	Participation in a parking management district
	Dedicated carpool / vanpool spaces (commercial only, 2% of total parking, min. 1

Other parking management techniques (describe, confirm with City Staff)

Total Points: More than	Less than or equal to	Credit %	
0	2	1%	Low
2	6	3%	Med
6	100	5%	High

Total Credit	**0%**
Level of Application	**None**

Documentation Requirement:

Parking management plan details
Documentation of preferential parking spaces (if applicable)
Annual program confirmation

Source:

https://www.vtpi.org/tdm/tdm28.htm#_Toc128220475

Sharing parking spaces typically allows 20-40% more users compared with assigning each sp
motorist, since some potential users are usually away at any particular time. For example, 10
typically share 60-80 parking spaces, since at any particular time some employees are on lea
or using an alternative commute mode. Even greater reductions are possible with mixed land
activities have different peak demand times. For example, a restaurant can share parking wit
since restaurant parking demand peaks in the evening while office parking demand peaks du
day. Public parking facilities, including on-street parking spaces, can usually be shared effici
destinations.

https://www.vtpi.org/tdm/tdm26.htm?

Shifting from free to cost-recovery parking (prices that reflect the full cost of providing parkin
typically reduces automobile commuting by 10-30%

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-12 Price Workplace Parking (up to 20% reduction in VMT for paid employee park

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-24 Implement Market Price Public Parking (up to 30% reduction in VMT for paid

Various parking management techniques can reduce travel demand.

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-8 - Provide Ridesharing Program (up to 8% reduction for carpool / vanpool)

Preferential parking may encourage carpool / vanpool use and reduce work-based trips.

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	Points:
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	2
	2
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Applied Points:	0

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public parking)

Employee parking cash out

To meet this criteria the project must meet the following requirements:

Applicable only to commercial land uses
Employers must commit to a parking cash out incentive for employees: employees are offered a reasonable rate to c
walk / bike / transit to site. The cash payment has to be equal to or greater than the parking subsidy the employer pay
parking space; or market rate parking cost. Remote or off-site parking is allowed.

Credit based on estimated participation rate; actual participation to be verified during annual reporting.

Credit Calculator

			Mark Estimated Participation Rate with "x"
Low	2%	Full time employee participation < 10%	
Med	5%	10% ≤ FTE participation < 25%	
High	8%	FTE participation ≥ 25%	

None	**Level of Application**	**Total Credit**	**0%**

Documentation Requirement:

Parking cash out plan, including intended employee access strategies (How are employees getting to the
driving, where are they parking? Strategies to increase participation to match estimated participation rat
Enforcement procedures to ensure participants are not parking on site
Annual program documentation (number and percentage of employees utilizing program)

See also: Parking reduction / parking below required minimum
Emergency / guaranteed ride home program
Parking Management / Shared Parking

Source(s):
https://www.sciencedirect.com/science/article/abs/pii/S0967070X9700019X
This report presents case studies of eight firms that have complied with California's cash-out
For the 1,694 employees of the eight firms, the number of solo drivers to work fell by 17 perce

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-13 Implement Employee Parking Cash-Out (up to 12% reduction in VMT)

Parking buy out may incentive alternative travel modes and reliance on vehicle based trips.

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Unbundle residential parking

To meet this criteria the project must meet the following requirements:

Applicable only to multifamily residential land uses.

Property managers must charge a reasonable separate fee for parking spaces on-site; off-site / remote lot parking ca
charged a separate rate (or included). Residents must be able to opt-out of the fee.

Credit Calculator

	Possible Credit	5%
Is on-site parking available at an additional fee that residents may decline?		
Level of Application	**None**	Total Credit **0%**

Documentation Requirement:

Residential parking plan and pricing structure, including strategies to manage on-site residential parking
Annual program documentation (parking pricing, number of permits sold)

See also: Parking reduction / parking below required minimum

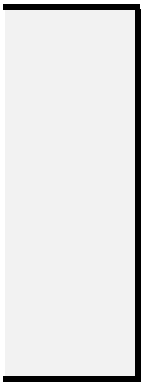
Parking Management / Shared Parking

Source:

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-16 - Unbundle Residential Parking Costs from Property Cost (up to 15.7% reduc

Separate parking fees may reduce vehicle ownership and reliance on vehicle based trips.

an be



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:tion in VMT)

Alternative work schedules / flex time / telecommuting

To meet this criteria the project must meet the following requirements:

Applicable only to commercial office land uses.
Employers must allow alternative work schedules; reduction based on estimated utilization rate, utilization rate to b annual TDM reporting.

Traditional working hours defined as Monday through Friday, with a typical arrival and/or departure periods between and 4-6 PM. Other options such as" 4-10s" or "4-9-4s / half day Fridays", may accomplish the same goals.

Credit based on estimated participation rate; actual participation to be verified during annual reporting.

Credit Calculator

		Participation rate of employees who work non-traditional hours at least once per week	Mark Estimate Participation R with "x"
Low	1%	Full time employee participation < 5%	
Med	2%	5% ≤ FTE participation < 15%	
High	3%	FTE participation ≥ 15%	
None	**Level of Application**	**Total Credit**	**0%**

How to calculate:

Low	1%	5% or less of employees work non-traditional hours at least once per week
Med	2%	Above 5% - 15% or less of employees work non-traditional hours at least once pe
High	3%	Above 15% of employees work non-traditional hours at least once per week

Documentation Requirement:

Annual program documentation (total number of employees, number of employees with non-traditional

Source:

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-5 - Implement Commute Trip Reduction Program (up to 4% reduction in VMT)

Alternative work schedules as a commute trip reduction strategy may reduce work-based trips.

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7-9 AM

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working hours)

On-site childcare

To meet this criteria the project must meet the following requirements:

Project must include a childcare early education site with preferential enrollment for residents or employees of the c
uses on site.

Credit automatically applied based on "Project Details" tab.

Credit Calculator

	Possible Credit	5%
Is on-site childcare available?		n
	↑From "Project Details" tab, cell H28↑	
	Project Details Tab	

Level of Application **None** Total Credit **0%**

Documentation Requirement:

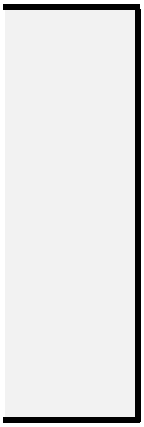
Annual program documentation (confirmation of child care space)

Source:

https://www.vtpi.org/tdm/tdm9.htm
Table 1 indicates a 5% estimated reduction in Sacramento due to onsite childcare

On-site child care with preferential enrollment for residents or employees may increase internal capture.

other land



Plans for delivery of goods for off peak times

To meet this criteria the project must meet the following requirements:

Applicable only to commercial land uses
Commercial operators must coordinate delivery of goods outside of peak periods; Peak periods include:
- Weekday (M-F) AM and PM peak periods, typically 7 AM - 9 AM and 4 PM - 6 PM (9 AM - 9 PM in Old Town)
- Weekend (Sat & Sun) peak periods, typically 9 AM - 11 AM, 3 PM - 5 PM
Does not apply to parcel deliveries.

Credit Calculator

	Poss
Does the site operator restrict delivery of goods during peak periods?	
Food / goods delivery to consumer by bicycle?	

Level of Application **None** Total Credit **0%**

Documentation Requirement:

Development and annual certification of a Goods Delivery Plan

Source:

n/a

Direct reduction in peak hour trips

sible Credit
2%
2%

Shuttle service

To meet this criteria the project must meet the following requirements:

The project must coordinate or participate in shuttle service to remote / off-site parking lots or high demand locatior
Limited service indicates only one vehicle dedicated to shuttle service with wait times of 30 minutes or n
Expanded service indicates more than one vehicle dedicated to shuttle service and wait times less than
Peak hours of operation are based on the land use and demand, typically two 2-hour periods per day

How to calculate:

Credit Calculator

Mark with "x"		Possible Points
Is the shuttle service for guests / residents or employees? **(mark one or both)**		
	Guests / residents	
	Employees	
What is the shuttle service period? How many hours per day is it available? **(mark one)**		
	Less then 4 hours per day	1
	4-12 hours per day	2
	12 or more hours per day	3
For regular scheduled shuttle service, what is the frequency or wait time of shuttle service? **(mark one)**		
	Wait time more than 1 hour	1
	Wait time between 30 minutes to 1 hour	2
	Wait time 30 minutes or less	3
Guest / resident shuttle service details:		
	Is an airport shuttle available?	10
Employee shuttle service details: (mark one or both)		
	On-demand - operates on request outside of shift changes	2
		Total Points

	Total Points: More than	Less than or equal to	Credit %
Low	0	2	3%
Med	2	6	5%
High	6	12	10%
Extensive	12	100	25%

None Level of Application

Documentation Requirement:

Annual shuttle service documentation (confirmation of route, vehicles, service operation and frequency)

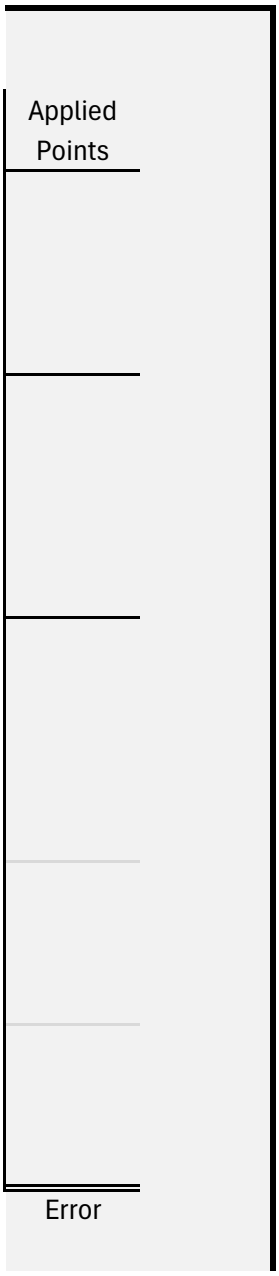
Source:

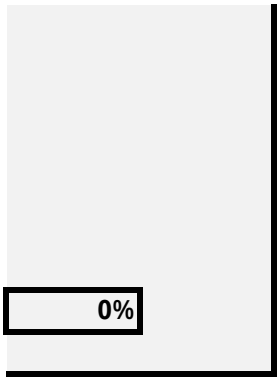
https://www.vtpi.org/tdm/tdm9.htm?
A comprehensive Commuter Trip Reduction program typically reduces peak-period automobile trips by 4
at a worksite (Rye 2002; Boarnet, Hsu and Handy 2014),

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-25 - Extend Transit Network Coverage or Hours (up to 4.6% reduction in VMT)
CAPCOA 21 treatment T-26 - Increase Transit Service Frequency (up to 11.3% reduction in VMT)

Shuttle service is a component of a comprehensive trip reduction program.

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30 minutes





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4-20%

Activated internal streetscape

To meet this criteria the project must meet the following requirements:

Internal road streetscape design includes enhanced elements to activate the internal streetscape and encourage wa
transit trip making behavior.

Calculate credit based on number and type of elements. Elements and design to be coordinated with city staff.

Credit Calculator

Sum up points based on provided features

Features:	Possible Points (Each)	Quantity
bump out	1	
street corridor with trees	3	
enhanced landscaping area	1	
parklets	3	
on-street parking corridors	2	
pedestrian scale lighted corridors	2	
banner corridors	1	
street furnishings	1	
Other elements (describe, confirm with City Staff)		

Applied Points:

Total Points: More than	Less than or equal to	Credit %	None
0	6	1%	Low
6	12	2%	Med
12	12+	3%	High

Total Credit	**0%**
Number of Features	**None**

Documentation Requirement:

Identification of elements in project plans; post construction inspection; maintenance plan

Source(s):

https://pmc.ncbi.nlm.nih.gov/articles/PMC12425138/?
10% increase in sidewalk tree cover within 500 m was associated with 19% increased odds of participati

https://www.transitwiki.org/TransitWiki/images/5/51/TCRP_TOD_Report.pdf

Quote:

Results of this research clearly show that TOD-housing results in fewer trips in the four urbanized areas that were studied. The research confirms the ITE trip generation and parking generation rates underestimate automobile trip reduction for TOD housing. The ITE manual presents weighted averages of trip generation. The weighted average vehicle trip rates for this study were computed for all 17 projects combined for weekday, AM peak, and PM peak. Over typical weekday period, the 17 surveyed TOD-housing projects averaged 44% fewer vehicle trips than estimated by the ITE manual (3.754 trips versus 6.715). Weighted average differentials were even larger during peak periods: 49% lower rates during the AM peak and 48% lower rates during the PM peak.

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-3 - Provide Transit-Oriented Development (up to 31% reduction in VMT)

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-18 - Provide Pedestrian Network Improvement (up to 6.4% reduction in VMT)

An activated streetscape is consistent with transit oriented design and an improved pedestrian network.

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Points:
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Activated public road streetscape

To meet this criteria the project must meet the following requirements:

Puiblic road streetscape design inside the public right of includes enhanced elements to activate the internal streets encourage walk-bike-transit trip making behavior.

Calculate credit based on number and type of elements. Elements and design to be coordinated with city staff.

Credit Calculator

Sum up points based on provided features

Features:	Possible Points (Each)	Quantity
bump out	1	
street corridor with trees	3	
enhanced landscaping area	1	
parklets	3	
on-street parking corridors	2	
pedestrian scale lighted corridors	2	
banner corridors	1	
street furnishings	1	

Other elements (describe, confirm with City Staff)		

Applied Points:

Total Points: More than	Less than or equal to	Credit %	None
0	6	1%	Low
6	12	2%	Med
12	12+	3%	High

Total Credit	**0%**
Number of Features	**None**

Documentation Requirement:

Identification of elements in project plans; post construction inspection; maintenance agreement / MOU

Source(s):

https://pmc.ncbi.nlm.nih.gov/articles/PMC12425138/?
10% increase in sidewalk tree cover within 500 m was associated with 19% increased odds of participati

https://www.transitwiki.org/TransitWiki/images/5/51/TCRP_TOD_Report.pdf

Quote:

Results of this research clearly show that TOD-housing results in fewer trips in the four urbanized areas that were studied. The research confirms the ITE trip generation and parking generation rates underestimate automobile trip reduction for TOD housing. The ITE manual presents weighted averages of trip generation. The weighted average vehicle trip rates for this study were computed for all 17 projects combined for weekday, AM peak, and PM peak. Over typical weekday period, the 17 surveyed TOD-housing projects averaged 44% fewer vehicle trips than estimated by the ITE manual (3.754 trips versus 6.715). Weighted average differentials were even larger during peak periods: 49% lower rates during the AM peak and 48% lower rates during the PM peak.

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-3 - Provide Transit-Oriented Development (up to 31% reduction in VMT)

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-18 - Provide Pedestrian Network Improvement (up to 6.4% reduction in VMT)

An activated streetscape is consistent with transit oriented design and an improved pedestrian network.

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Points:
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Enhanced crosswalk elements

To meet this criteria the project must meet the following requirements:

Project must construct enhanced crosswalk elements (beyond standard signs and striping).
Elements must be approved by City.

Calculate credit based on number and type of elements. Elements and design to be coordinated with city staff.

Credit Calculator

Sum up points based on provided elements within crosswalk(s):

Features:	Possible Points (Each)	Quantity
bump outs	1	
raised features	3	
pedestrian scale lighting	2	
dual stage crossing / median refuge	3	
activated warnings: RRFB	8	
activated warnings: HAWK	12	
grade seperated crossing	13	
Other elements (describe, confirm with City Staff)		

Applied Points:

Total Points:

More than	Less than or equal to	Credit %	None
0	4	2%	Low
4	12	4%	Med
12	12+	8%	High

Total Credit	**0%**
Number of Features	**None**

See also: Activated public road streetscape

Documentation Requirement:

Identification of elements in project plans; post construction inspection

Source(s):

https://www.transitwiki.org/TransitWiki/images/5/51/TCRP_TOD_Report.pdf

Quote:

Results of this research clearly show that TOD-housing results in fewer trips in the four urbanized areas that were studied. The research confirms the ITE trip generation and parking generation rates underestimate automobile trip reduction for TOD housing. The ITE manual presents weighted averages of trip generation. The weighted average vehicle trip rates for this study were computed for all 17 projects combined for weekday, AM peak, and PM peak. Over typical weekday period, the 17 surveyed TOD-housing projects averaged 44% fewer vehicle trips than estimated by the ITE manual (3.754 trips versus 6.715). Weighted average differentials were even larger during peak periods: 49% lower rates during the AM peak and 48% lower rates during the PM peak.

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-3 - Provide Transit-Oriented Development (up to 31% reduction in VMT)

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-18 - Provide Pedestrian Network Improvement (up to 6.4% reduction in VMT)

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-17 - Improve Street Connectivity (up to 30% reduction in VMT)

Enhanced crosswalks are a component of transit oriented design and improve the pedestrian network an

Points:
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d connectivity.

Construct segment of sidewalk, trail, or signature trail

To meet this criteria the project must meet the following requirements:

Project must construct a portion of a sidewalk, trail, or signature trail; constructed portion must be accessible and o public along existing or new rights of ways or easements; constructed portion must include a logical start and endin fill a gap in the existing or future network of infrastructure.

Reconstruction of an existing facility is not applicable.

The appropriate type of facility (sidewalk, trail, or signature trail) is documented in city planning documents.

Refer to adopted transportation plans:
https://parkcity.gov/departments/transportation-planning/transportation-plans/park-city-forward/adop

Alignments must be approved by City.

Credit based on length and type of facility constructed.

Credit Calculator

	Proposed Length to be Constructed by Facility Type (feet)	Individual Level of Application
Sidewalk		None
Trail (Supplemental)		None
Signature Trail (High Comfort)		None

If sidewalk & supplemental trail both qualify as "Med", the combined level of application shall be "High"

Combined Level of Application	**None**
Combined Credit	**0%**

		Minimum Length (ft)		
Combined LOA	Credit	Sidewalk	Trail	Signature Trail
Low	3%	500		
Med	6%	1000	500	
High	10%	2000	1000	500

Documentation Requirement:

Identification of elements in project plans; post construction inspection

See also:

Source(s):

https://www.transitwiki.org/TransitWiki/images/5/51/TCRP_TOD_Report.pdf

Quote:

Results of this research clearly show that TOD-housing results in fewer trips in the four urbanized areas that were studied. The research confirms the ITE trip generation and parking generation rates underestimate automobile trip reduction for TOD housing. The ITE manual presents weighted averages of trip generation. The weighted average vehicle trip rates for this study were computed for all 17 projects combined for weekday, AM peak, and PM peak. Over typical weekday period, the 17 surveyed TOD-housing projects averaged 44% fewer vehicle trips than estimated by the ITE manual (3.754 trips versus 6.715). Weighted average differentials were even larger during peak periods: 49% lower rates during the AM peak and 48% lower rates during the PM peak.

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-3 - Provide Transit-Oriented Development (up to 31% reduction in VMT)

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-19A - Construct or Improve Bike Facility (up to 0.8% reduction in VMT)

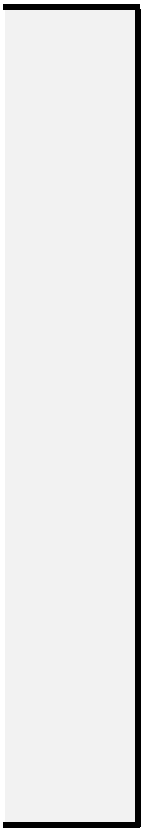
https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-18 - Provide Pedestrian Network Improvement (up to 6.4% reduction in VMT)

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-17 - Improve Street Connectivity (up to 30% reduction in VMT)

Enhanced crosswalks are a component of transit oriented design and improve the pedestrian network an

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d connectivity.

Pedestrian amenities

To meet this criteria the project must meet the following requirements:

Project must construct enhanced pedestrian amenities to support the pedestrian environment.

Elements must be approved by the City and associated departments and organizations (historic preservation, arts c etc.)

Elements must be maintained by the applicant unless a maintenance and operations memorandum of understandir developed with the City.

Credit based on proposed amenities.

Credit Calculator

Sum up points based on provided features

Features:	Points (Each)	Quantity
shade structures	1	
benches	1	
water fountains / bottle filling stations	4	
public restrooms	10	
public art installations	3	
historic markers	2	
sidewalk / trail 50% wider than minimum (200-foot segments)	3	
buffer 50% wider than minimum (200-foot segments)	2	
significant activated outdoor public space	10	

Other elements (describe, confirm with City Staff)	

Applied Points:

Total Points: More than	Less than or equal to	Credit %	None
0	6	2%	Low
6	15	4%	Med
15	26	7%	High
26	26+	10%	Extensive

Total Credit	**0%**
Number of Features	**None**

Buffer distance is defined as the width between back of curb and front of sidewalk / trail.
Buffer to be landscaped with appropriate plantings or hardscaped with pedestrian amenities.

A significant outdoor public space includes plazas, playgrounds, linear parks, or traditional parks, open and accessi public. The outdoor space should be appropriate for the site and maintained by the project.

Documentation Requirement:

Identification of elements in project plans; post construction inspection; maintenance agreements

See also: Activated internal streetscape

Activated public road streetscape

Source(s):

https://www.transitwiki.org/TransitWiki/images/5/51/TCRP_TOD_Report.pdf

Quote:

Results of this research clearly show that TOD-housing results in fewer trips in the four urbanized areas that were studied. The research confirms the ITE trip generation and parking generation rates underestimate automobile trip reduction for TOD housing. The ITE manual presents weighted averages of trip generation. The weighted average vehicle trip rates for this study were computed for all 17 projects combined for weekday, AM peak, and PM peak. Over typical weekday period, the 17 surveyed TOD-housing projects averaged 44% fewer vehicle trips than estimated by the ITE manual (3.754 trips versus 6.715). Weighted average differentials were even larger during peak periods: 49% lower rates during the AM peak and 48% lower rates during the PM peak.

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-3 - Provide Transit-Oriented Development (up to 31% reduction in VMT)

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-18 - Provide Pedestrian Network Improvement (up to 6.4% reduction in VMT)

Pedestrian amenities improve the pedestrian environment and contribute to pedestrian oriented design.

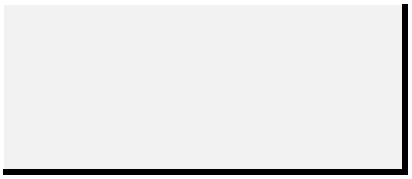
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Max Qty	Points:
2	0
2	0
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1	0
1	0
1	0
3	0
3	0
1	0
	0
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Transit stop amenities

To meet this criteria the project must meet the following requirements:

Project must construct enhanced transit amenities to support transit ridership.

Elements must be approved by City and transit service operator.

Credit based on proposed amenities.

Credit Calculator

Sum up points based on provided features

Features:	Possible Points (Each)	Quantity
shade structures	1	
seating / benches	1	
bike racks	1	
signs / transit information	1	
trash collection	2	
lighting	2	
dynamic next bus information	4	
shelter	4	

Other elements (describe, confirm with City Staff)		

Applied Points:

Total Points:

More than	Less than or equal to	Credit %	None
0	4	2%	Low
4	10	6%	Med
10	10+	12%	High

Total Credit	**0%**
Number of Features	**None**

Documentation Requirement:

Identification of elements in project plans; post construction inspection

See also: Activated public road streetscape

Source(s):

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB434.pdf
CAPCOA 21 treatment T-45 - Provide Transit Shelters (up to 0.32% reduction in VMT)

Transit stop amenities are a component of transit oriented design and improve the comfort of transit ride

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Max Qty	Points:
1	0
1	0
1	0
1	0
1	0
1	0
1	0
1	0
	0
	0
	0
	0

rship.

End-of-trip bicycle facilities

To meet this criteria the project must meet the following requirements:

Project must construct facilities to support people accessing the site on bicycle.

Elements must be maintained by the applicant.

Location of facilities to be convenient to bicyclists and approved by City staff.

Credit based on proposed amenities.

Credit Calculator

Sum up points based on provided features

Mark if included "x"	Features:
	Bicycle racks above minimum
	Covered exterior bicycle racks
	Identification of additional future exterior bicycle parking
	Additional secure indoor bicycle storage above minimum
	Tool / repair station
	Bike wash
	Shower facilities
	Lockers / changing facilities

Total Points:

More than	Less than or equal to	Credit %
0	2	1%
2	5	4%
5	12	8%
12	100	14%

0%

Minimum number of exterior bicycle racks is greater of: capacity of 8, or 10% of vehicle parking, or as define

Bicycle racks above minimum is greatest of: an additional capacity of 4, or +5% of vehicle parking, or 50% r
Minimum secure indoor bicycle storage is greatest of: capacity of 8 bicycles, or 10% of vehicle parking, or a
Additional indoor secure bicycle parking is greatest of: an additional capacity of 4 bicycles, or +5% of vehicl

See also:

Source(s):

https://www.airquality.org/ClimateChange/Documents/2024%20Handbook%20Update_AB43
CAPCOA 21 treatment T-10 - Provide End-of-Trip Bicycle Facilities (up to 4.4% reduction in VMT)

https://www.vtpi.org/tdm/tdm85.htm
Bicycle Parking, storage and shower/changing rooms (collectively called *end of trip facilities*) a
important ways to provide convenience and security for cyclists at destinations. Inadequate
facilities and fear of theft are major deterrents to bicycle transportation.

End-of-trip bicycle facilities support bicycle access to work.

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	Points:	
	1	(see note below)
	1	(at least 50% of exterior spaces)
	1	
	2	(see note below)
	1	(interior or exterior)
	2	
	3	(commercial uses only)
	3	(commercial uses only)
		(confirm with City staff)
		(confirm with City staff)
		(confirm with City staff)
Applied Points:	0	

Level of Application
Low
Med
High
Extensive

None

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e parking, or 50% more than minimum as defined in city code

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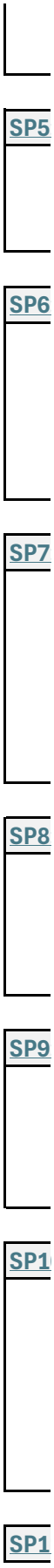
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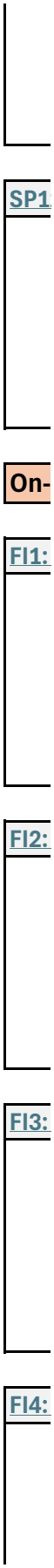
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Site
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SP3
SP4


SP5
SP6
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SP8
SP9
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M Plan Outline

Design and Layout

1: Active street level land uses

Describe the active street level land use:

Provide a site plan illustrating entrance relative to street.

No annual reporting or documentation; confirm feature is incorporated into final site plan and post-construction.

2: Site designed for transit, walking, bike access

Describe how the site plan supports walk, bike, and / or transit access to the site.

Provide a site plan illustrating required setbacks, street frontages, parking, nearest transit stop, integration with transit and / or shared use paths.

No annual reporting or documentation; confirm feature is incorporated into final site plan and post-construction.

3: Provide perpetual public access easement for sidewalk, trail, signature trail, or grade seperated crossing

Describe the easement and the infrastructure it will support.

Provide a site plan illustrating the easement area.

No annual reporting or documentation; coordinate easement requirements (size, recording, etc.) with City staff.

4: Provision for future sidewalk or trail connection to / through adjacent properties

Describe the connections to adjacent properties.

Provide a site plan illustrating connection(s) to adjacent properties.

Construction of identified connection route(s) shall be completed when adjacent property receiving facility is constructed; annual review of receiving facilities.

5: Pedestrian Directness Factor

Provide a site plan illustrating representative pedestrian routes and calculated Pedestrian Directness Factor.

No annual reporting or documentation; confirm feature is incorporated into final site plan and post-construction.

6: Site access consolidation

Provide a site plan illustrating the existing site accesses and proposed site accesses; identify the location and number of closed site accesses.

No annual reporting or documentation; confirm feature is incorporated into final site plan and post-construction.

7: Complimentary on-site amenities

Describe the location and nature of the complimentary on-site amenities; reported amenities include: .

No annual reporting or documentation; confirm feature is incorporated into final site plan and post-construction.

8: Centralized delivery of goods for multi-tenant facilities

Describe the centralized delivery area and relation to the proposed land uses.

Provide a site plan illustrating centralized delivery area.

No annual reporting or documentation; confirm feature is incorporated into final site plan and post-construction.

Programs

: Car share program

Describe where the vehicles will be located; credit taken for vehicle(s) within 2,600 feet of primary entrance.

Provide service / operator plan details.

Annual reporting / service confirmation required.

: Bike share program

Describe where the bicycles will be located; if indoors / secure, descibe access requirements.

Provide service / operator plan details.

Annual reporting / service confirmation required.

: Transit incentives

Describe where the bicycles will be located and accessed.

Provide service / operator plan details.

Annual reporting / service confirmation required.

: Parking reduction / parking below required minimum

Document required parking from city code and proposed site parking; prepare parking requirement waiver for City staff review.

No annual reporting or documentation; confirm feature is incorporated into final site plan and post-construction.

: Parking above required minimum

Document required parking from city code and proposed site parking.

No annual reporting or documentation; confirm feature is incorporated into final site plan and post-construction.

: Parking management / shared parking

Describe the parking management / shared parking strategies and techniques; reported amenities include: .

Illustrate required designated parking on a site plan, as appropriate. Describe enforcement techniques, if required.

Annual reporting of parking strategy / management techniques required.

: Employee parking cash out

Describe parking cash out program and offering; indicate estimated incentive and and estimated employee participation rate. Develop parking cash out plan, including intended employee access strategies: What is the incentive and parking subsidy? How are employees getting to the site? If driving, where are they parking? Strategies to increase participation to match estimated participation rate? Enforcement procedures to ensure participants are

Annual reporting of program details, number of participants, and participation rate.

: Unbundle residential parking

Prepare residential parking plan, including estimated fees, participation rates, alternative transortation options, and documentation of alternative parking sites for residents.

Annual reporting of program details, permit sales, and parking rates.

: Alternative work schedules / flex time / telecommuting

Describe expected alternative work schedule,C96 flex time, and telecommuting options to be offered.

Annual reporting of program details, number of participants, and participation rate; provide excerpt from employee handbook outlining program.

0: On-site childcare

Describe the expected child care service: expected ages of students, number of students, days and hours of operation; confirm preferential enrollment for residents / employees at the project site.

Illustrate on the site plan where the proposed child care center will be located.

Annual reporting child care center operation.

1: Service vehicle / delivery vehicle management

Prepare Goods Delivery Plan: describe goods to be delivered to the site, expected delivery operators, and mechanism to manage delivery times.

No annual reporting or documentation; confirm feature is incorporated into final site plan and post-construction.

2: Shuttle service

Describe the expected shuttle service: hours of operation, service area, service provider, frequency, number of vehicles, expected ridership, etc.

Provide a site plan illustrating the shuttle pick up / drop off locations.

Annual reporting of shuttle operations, including ridership and service details.

and/or Off-Site Features / Infrastructure

Activated internal streetscape

Describe the proposed features to be included in the activated streetscape. Identified features include:

Provide a site plan illustrating the location of the proposed features; provide cut sheets / product specifications / sample installations of similar proposed treatments.

No annual reporting or documentation; confirm feature(s) is/are incorporated into final site plan and post-

Activated public road streetscape

Describe the proposed features to be included in the activated streetscape. Identified features include:

Provide a site plan illustrating the location of the proposed features; provide cut sheets / product specifications / sample installations of similar proposed treatments.

No annual reporting or documentation; confirm feature(s) is/are incorporated into final site plan and post-

Enhanced crosswalk elements

Describe the proposed features to be included in the activated streetscape. Identified features include:

Provide a site plan illustrating the location of the proposed features; provide cut sheets / product specifications / sample installations of similar proposed treatments.

No annual reporting or documentation; confirm feature(s) is/are incorporated into final site plan and post-

Construct segment of sidewalk, trail, or signature trail

Identify the location of the proposed construction of bicycle and pedestrian facilities.

Provide a site plan illustrating the location and length of the facilities; provide a cross section indicating the width and materials to be constructed of each facility type (sidewalk, trail, signature trail); confirm alignments with City

No annual reporting or documentation; confirm feature(s) is/are incorporated into final site plan and post-

Pedestrian amenities

Describe the proposed amenities to be included. Identified features include:

Provide a site plan illustrating the location of the proposed features; provide cut sheets / product specifications / sample installations of similar proposed treatments.

No annual reporting or documentation; confirm feature(s) is/are incorporated into final site plan and post-

Transit stop amenities

Describe the proposed amenities to be included. Identified features include:

Provide a site plan illustrating the location of the proposed features; provide cut sheets / product specifications / sample installations of similar proposed treatments.

No annual reporting or documentation; confirm feature(s) is/are incorporated into final site plan and post-

End-of-trip bicycle facilities

#REF!

Provide a site plan illustrating the location of the proposed features; provide cut sheets / product specifications / sample installations of similar proposed treatments.

No annual reporting or documentation; confirm feature(s) is/are incorporated into final site plan and post-

tom / Site Specific TDM Features, Programs, and / or Elements

Coordinate with City Staff

Describe the proposed custom TDM amenities; documentation, additional details, and annual reporting requirements to be coordinated with City Staff.

6/18/2026

Park City TDM Tool: TDM Feature Credit Percent Change Log

		Total Maximum Credit %	150%			212%			
			Current Credit Range Percent Credit			3/31/26 Credit Range Percent Credit			Credit Change 3/31 to 6/18 Average
Menu Category	**Brief Description**		Low %	Med %	High %	Low %	Med %	High %	
Site Design & Layout									
SDL 1:	Active street level land uses	Ground-level land uses open to the public fronting to a street-facing sidewalk	3%	3%	3%	5%	5%	5%	-40%
SDL 2:	Site designed for transit, walking, bike access	Layout and site design supportive of walk, bike, or transit access	3%	5%	8%	5%	10%	15%	-46%
SDL 3:	Provide perpetual public access easement for sidewalk, trail, signature trail, or grade seperated crossing	Easement along roadway frontage for planned / future bike-ped facilities	1%	3%	5%	3%	5%	10%	-52%
SDL 4:	Provision for future sidewalk or trail connection to / through adjacent properties	Direct bike-ped connections to adjacent lots	1%	2%	3%	1%	2%	3%	0%
SDL 5:	Pedestrian Directness Factor	Direct pedestrian connections from building entrances to the pedestrian network	1%	3%	5%	1%	4%	7%	-18%
SDL 6:	Site access consolidation	Reduce the number of access points from the site to the public road network	2%	2%	2%	3%	3%	3%	-33%
SDL 7:	Complimentary on-site amenities	Features within the development that reduce external trips	1%	2%	3%	1%	3%	5%	-24%
SDL 8:	Centralized delivery of goods for multi-tenant facilities	Consolidated service vehicle access	1%	1%	1%	2%	2%	2%	-50%
		Total Maximum Credit for Category			30%			50%	
Site Programs			Low %	Med %	High %	Low %	Med %	High %	
SP 1:	Car share program	Car share program on- or near site		3%	5%	1%	2%	10%	-33%
SP 2:	Bike share program	Bike share program on- or near site	1%	3%	5%	1%	2%	3%	39%
SP 3:	Transit incentives	Benefits provided to residents / guests / employees who travel via transit modes	1%	3%	5%	1%	4%	7%	-18%
SP 4:	Parking reduction / parking below required minimum	Incentive to limit parking spaces and reduce vehicle travel to site	1%	5%	10%	1%	5%	10%	0%
SP 5:	Parking above required minimum	Disincentive to increase parking spaces and encourage vehicle travel to site	-20%	-20%	-20%	-20%	-20%	-20%	0%
SP 6:	Parking management / shared parking	Parking management practices to reduce vehicle demand to site	1%	3%	5%	2%	6%	10%	-50%
SP 7:	Employee parking cash out	Employee incentives to reduce vehicle demand to site	2%	5%	8%	2%	6%	10%	-12%
SP 8:	Unbundle residential parking	Onsite parking is an additional monthly cost in rental agreement	5%	5%	5%	5%	5%	5%	0%
SP 9:	Alternative work schedules / flex time / telecommuting	Modifications to standard work days / shift periods to reduce peak hour travel demand	1%	2%	3%	1%	2%	3%	0%
SP 10:	On-site childcare	Service available to on-site caregivers to reduce external peak hour trips	5%	5%	5%	5%	5%	5%	0%
SP 11:	Service vehicle / delivery vehicle management	Management of service vehicles to reduce external peak hour trips and sustainable delivery methods	2%		4%	5%		10%	-60%
SP 12:	Shuttle service	Dedicated or shared shuttle service for residents, guests, contractors, and/or employees	3%		25%	3%		25%	0%
		Total Maximum Credit for Category			60%			78%	
On- and/or Off-Site Features / Infrastructure			Low %	Med %	High %	Low %	Med %	High %	
FI 1:	Activated internal streetscape	Enhanced elements within the site to increase comfort and convenience for people walking and biking	1%	2%	3%	1%	2%	3%	0%
FI 2:	Activated public road streetscape	Enhanced elements within the public ROW to increase comfort and convenience for people walking and biking	1%	2%	3%	1%	2%	3%	0%
FI 3:	Enhanced crosswalk elements	Features to improve pedestrian safety and comfort at crossing locations	2%	4%	8%	2%	4%	8%	0%
FI 4:	Construct segment of sidewalk, trail, or signature trail	New or substantially improved bicycle and pedestrian network	3%	6%	10%	5%	10%	15%	-38%
FI 5:	Pedestrian amenities	Features to make the pedestrian environment more comfortable and inviting	2%		10%	2%		20%	-25%
FI 6:	Transit stop amenities	Features to make the transit environment more comfortable and inviting	2%	6%	12%	2%	10%	15%	-20%
FI 7:	End-of-trip bicycle facilities	Features to make the bicycle environment more comfortable and inviting	1%		14%	1%		20%	-15%
		Total Maximum Credit for Category			60%			84%	

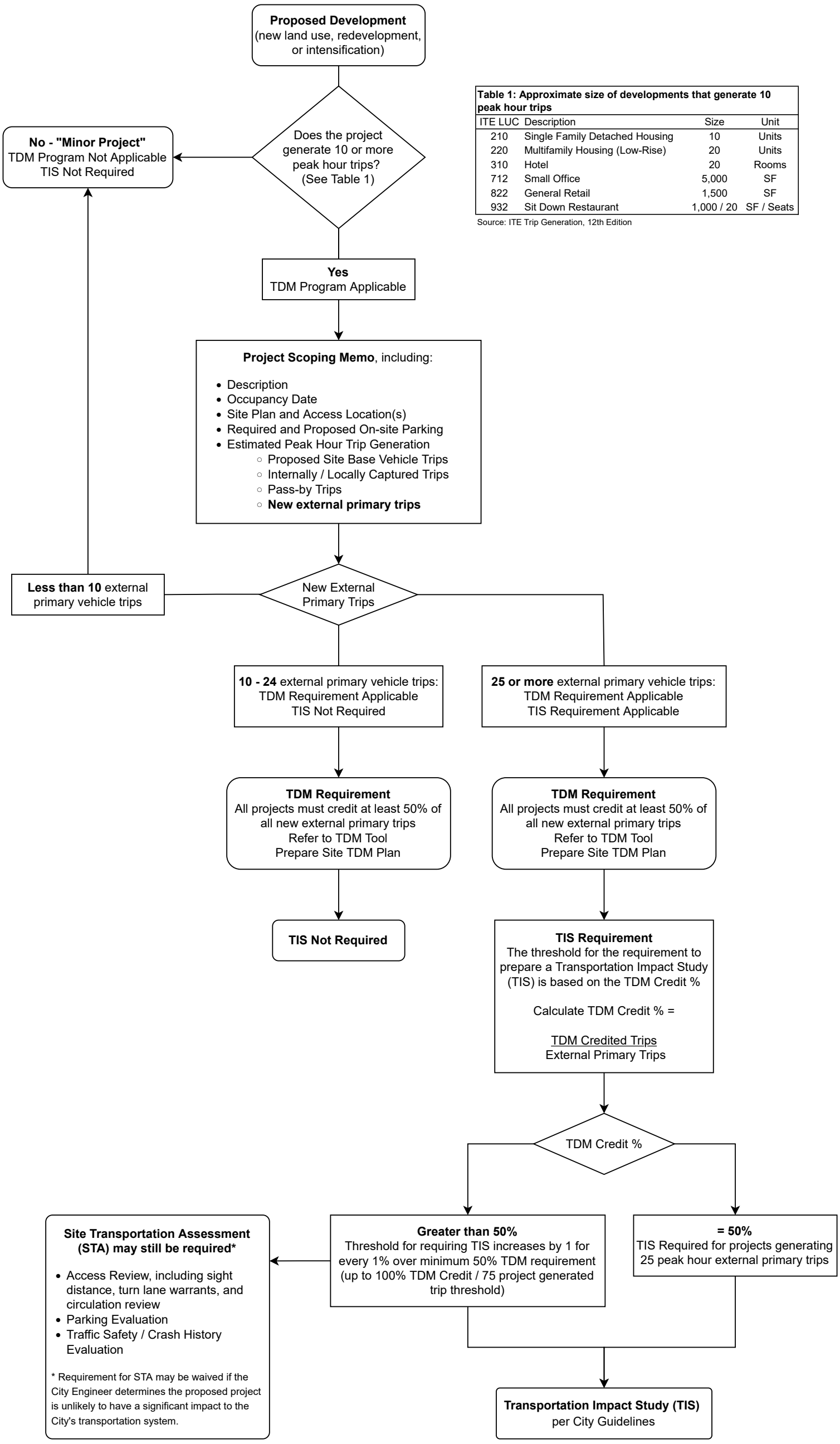


Table 1: Approximate size of developments that generate 10 peak hour trips

ITE LUC	Description	Size	Unit
210	Single Family Detached Housing	10	Units
220	Multifamily Housing (Low-Rise)	20	Units
310	Hotel	20	Rooms
712	Small Office	5,000	SF
822	General Retail	1,500	SF
932	Sit Down Restaurant	1,000 / 20	SF / Seats

Source: ITE Trip Generation, 12th Edition

Planning Commission
Staff Report

Subject: Senate Bill 284
Application: PL-26-06940
Author: Rebecca Ward, Planning Director
Date: June 24, 2026
Type of Item: Legislative – Land Management Code Amendments

Recommendation

(I) Review amendments to Land Management Code Chapter 15-12 *Planning Commission* to align with Senate Bill 284 enacted by the Utah legislature, (II) conduct a public hearing, and (III) consider forwarding a positive recommendation for City Council consideration as outlined in Exhibit A, *Draft Ordinance*.

Description

Applicant:	Planning Department
Section Amended:	15-12-3 *Grounds for Removal*
Sections Enacted:	15-12-2.1 *Recusal* 15-12.2-2 *Annual Training*
Reason for Review:	The Planning Commission reviews, conducts a public hearing, and forwards a recommendation to the City Council regarding amendments to the Land Management Code.[1]

LMC	Land Management Code
SB	Senate Bill

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC § 15-15-1.

Analysis

(I) To align with Senate Bill 284, staff recommends updating the Land Management Code to address Planning Commissioner removal, recusal, and annual training requirements.

Land Management Code (LMC) Chapter 15-12 outlines terms and eligibility, and the rules, powers, and duties of the Planning Commission. On March 18, 2026, the Utah legislature enacted SB 284 *Local Land and Water Modifications*,[2] requiring updates to LMC Chapter 15-12 regarding Planning Commissioner removal, recusal, and annual

[1] LMC § 15-1-7 *Amendments to the Land Management Code and Zoning Map*
[2] SB 284 updates related to Planning Commissioners are codified in Utah Code § 10-20-301 *Ordinance establishing planning commission required – Ordinance requirements – 301 Compensation* and § 10-20-302 *Planning commission powers and duties – Training requirements*.

training.[3]

Grounds for Removal
LMC § 15-12-3 *Grounds for Removal* currently outlines that any Planning Commissioner who is absent from two consecutive regularly scheduled meetings or four regularly scheduled meetings per calendar year, or who violates Municipal Code of Park City Title 3 *Ethics*,[4] may be asked to resign or be removed for cause by the City Council.

- SB 284 now requires causes for removal to also include:
  - Using public funds for a political purpose.
  - Violating the Municipal Officers' and Employees' Ethics Act.
  - Acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the Planning Commissioner's administrative or quasi-judicial duties.

As a result, staff recommends LMC § 15-12-3 *Grounds for Removal* be amended:

> Any Planning Commission member may be called before the City Council and asked to resign or be removed for cause by the Council:
> (a) who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, [~~or~~]
> (b) who violates Title 3, Ethics,
> (c) who uses public funds for a political purpose under Utah Code Title 20A, Chapter 11, Part 12 *Political Activities of Public Entities Act*,
> (d) who violates a provision of Utah Code Title 10, Chapter 3, Part 13 *Municipal Officers' and Employees' Ethics Act*,
> (e) who acts with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the Planning Commissioner's administrative or quasi-judicial duties.
> [~~may be called before the City Council and asked to resign or be removed for cause by the Council.~~]

Recusal
Municipal Code of Park City Title 3 *Ethics* establishes the code of ethics for public officials, including disclosure, conflicts of financial interest, use of public property, ex parte communications, and other requirements and standards. SB 284 requires that the

[3] This bill also requires updates to Accessory Dwelling Unit regulations, review of new or unlisted business uses, updates to appeals, and other minor modifications by October 1, 2026. These will be scheduled for Planning Commission review on July 8, 2026.
[4] Municipal Code of Park City Title 3 *Ethics* outlines requirements regarding fair and equal treatment, agents of public purpose, gifts and use of office for personal benefit, use of public property, ex parte communications, City allegiance and proper conduct, avoidance of impressions of corruptibility, political activity of municipal officers, and later case interest/future employment. Planning Commissioners complete annual training and submit an Annual Ethics Pledge verifying understanding of and compliance with the rules.

Ordinance establishing the Planning Commission provide requirements for when recusal is required from deliberating or voting on certain land use applications.[5] As a result, staff recommends LMC § 15-12-2.1 *Recusal* be enacted:

> Planning Commissioners must comply with disclosure and recusal requirements found in Title 3 *Ethics* and the Utah Code.

Annual Training
In 2021, the Utah Legislature enacted H.B. 409 *Municipal and County Land Use and Development* to establish annual Planning Commissioner training requirements. Each year, Planning Commissioners must complete:

- One hour of annual training on general powers and duties.
- Three hours of annual training, which may include topics ranging from appeals to real estate procedures and financing.[6]

SB 284 now requires that annual training also include:

- The role of the Planning Commission in administrative, legislative, and quasi-judicial functions.
- Ex parte communication.
- Conflict of interest.

As a result, staff recommends LMC § 15-12-2.2 *Annual Training* be enacted:

> Each member of the Planning Commission is required to complete annual training pursuant to the requirements of Utah Code Section 10-20-302(5).

Department Review
The Planning and Executive Departments and City Attorney's Office reviewed this report.

Notice
Staff published notice on the City's website and the Utah Public Notice website on June 8, 2026. The *Park Record* published courtesy notice on June 10, 2026.[7]

Public Input
Staff did not receive any public input at the time this report was published.

Alternatives
The Planning Commission may:

- Forward a positive recommendation for City Council consideration.
- Forward a negative recommendation for City Council consideration.

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[5] Utah Code Section 10-20-301(1)(v)
[6] Planning Commissioners participating in 12 Commission meetings within a calendar year qualify for one completed hour of training. The Park City Planning Commissioners have completed the required annual training since enacted in 2021.
[7] LMC § 15-1-21

- Request additional information and continue the discussion to a date certain.

Exhibits
A: Draft Ordinance
B: Senate Bill 284 *Local Land and Water Modifications*

Ordinance No. 2026-XX

AN ORDINANCE AMENDING LAND MANAGEMENT CODE SECTION 15-12-3 *GROUNDS FOR REMOVAL* AND ENACTING SECTIONS 15-12-2.1 *RECUSAL* AND 15-12-2.2 *ANNUAL TRAINING* TO COMPLY WITH CHANGES TO STATE CODE

WHEREAS, the Utah Legislature passed Senate Bill 284 *Local Land and Water Modifications* updating Planning Commissioner requirements and powers and duties;

WHEREAS, to align with Senate Bill 284, amendments to Land Management Code Chapter 15-12 *Planning Commission* are required;

WHEREAS, on June 24, 2026, the Planning Commission conducted a duly noticed public hearing and forwarded a _____ recommendation on the proposed Land Management Code amendments to the City Council;

WHEREAS, on August 13, 2026, the City Council conducted a duly noticed public hearing on the proposed Land Management Code amendments.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY TITLE 15 LAND MANAGEMENT CODE. The recitals are incorporated herein as Findings of Fact. Municipal Code of Park City Title 15 Land Management Code Chapter 15-12 *Planning Commission* Section 15-12-3 *Grounds for Removal* is hereby amended and Sections 15-12-2.1 *Recusal* and 15-12-2.2 *Annual Training* are enacted as outlined in Attachment 1.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED THIS 13th day of August, 2026.

PARK CITY MUNICIPAL CORPORATION

_____

Ryan Dickey, Mayor

Attest:

_____

City Recorder

Approved as to form:

_____

City Attorney’s Office

ATTACHMENT 1

15-12-3 Grounds for Removal

Any Planning Commission member may be called before the City Council and asked to resign or be removed for cause by the Council:

(a) who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, [~~or~~]

(b) who violates Title 3, Ethics,

(c) who uses public funds for a political purpose under Utah Code Title 20A, Chapter 11, Part 12 *Political Activities of Public Entities Act*,

(d) who violates a provision of Utah Code Title 10, Chapter 3, Part 13 *Municipal Officers' and Employees' Ethics Act*,

(e) who acts with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the Planning Commissioner's administrative or quasi-judicial duties.

[~~may be called before the City Council and asked to resign or be removed for cause by the Council.~~]

. . . .

15-12-2.1 Recusal

Planning Commissioners must comply with disclosure and recusal requirements found in Title 3 *Ethics* and the Utah Code.

. . . .

15-12-2.2 Annual Training

Each member of the Planning Commission is required to complete annual training pursuant to the requirements of Utah Code Section 10-20-302(5).

Local Land and Water Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Jill Koford

LONG TITLE

General Description:

This bill modifies provisions related to local land use and water planning.

Highlighted Provisions:

This bill:

- defines terms;
- amends requirements for a modified feasibility request related to a proposed municipal incorporation;
- clarifies standards for county and municipal land use regulations and requirements;
- modifies requirements for an ordinance establishing a planning commission;
- modifies planning commission powers and duties;
- modifies the process for reviewing and approving a new or unlisted business use;
- establishes requirements for regulating structure height;
- requires a county or municipal legislative body to make a decision on a proposed land use regulation if the planning commission fails to make a timely recommendation;
- requires counties, municipalities, and special districts to adopt a written plan, beginning on January 1, 2028, for determining the reasonable future water requirement of the public before imposing a water exaction (written plan);
- requires the state engineer to make rules to establish standards for the written plan;
- addresses exaction for water and a land use authority's review of a land use application;
- modifies the requirement to place certain infrastructure completion assurances in an interest-bearing account;
- establishes requirements relating to development agreements;
- modifies the burden of proving that a land use authority's decision was arbitrary, capricious, or illegal;

- addresses requirements relating to an appeal or variance hearing;
- prohibits a legislative body from acting as an appeal authority;
- modifies the standard of review of a land use authority's decision to deny or approve a land use application;
- modifies appeal requirements;
- requires a specified municipality to allow a detached accessory dwelling unit as a permitted use in certain zones;
- clarifies notice requirements for a proposed county land use ordinance that is ministerial in nature;
- modifies a county's authority to deny an applicant a building permit or certificate of occupancy if the applicant has not completed an infrastructure improvement; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

10-2a-106 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapter 224 and further amended by Revisor Instructions, Laws of Utah 2023, Chapter 224

10-2a-206 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 518

10-2a-220 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 518

10-3-702 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 354

10-20-102 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-301 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-302 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-501 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-502 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-507 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 15

10-20-806 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-807 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-902 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-910 (Effective 05/06/26), as enacted by Laws of Utah 2025, First Special Session, Chapter 15

10-20-911 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-1001 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-1101 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-1106 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-1107 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-1109 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-21-101 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

13-43-205 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 15

17-79-102 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-205 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-301 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-302 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-501 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-502 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-507 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-706 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-707 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-803 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-811 (Effective 05/06/26), as enacted by Laws of Utah 2025, First Special Session, Chapter 14

17-79-812 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-901 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-1001 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-1006 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-1007 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-1009 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17B-1-120 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapters 15, 255

63I-2-210 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 15

63I-2-217 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special Session, Chapter 7

73-1-4 (Effective 05/06/26) (Partially Repealed 12/31/30), as last amended by Laws of Utah 2024, Chapter 233

ENACTS:

10-20-625 (Effective 05/06/26), Utah Code Annotated 1953

10-20-626 (Effective 05/06/26), Utah Code Annotated 1953
10-20-912 (Effective 05/06/26), Utah Code Annotated 1953
10-21-304 (Effective 10/01/26), Utah Code Annotated 1953
17-79-621 (Effective 05/06/26), Utah Code Annotated 1953
17-79-813 (Effective 05/06/26), Utah Code Annotated 1953
REPEALS AND REENACTS:
10-20-1105 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15
17-79-1005 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

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

Section 1. Section **10-2a-106** is amended to read:

10-2a-106 (Effective 05/06/26). Feasibility request filed before changes to law take effect.

(1) If an individual files a feasibility request for incorporation of a city or town before May 14, 2019, the process for incorporating the city or town is not subject to Laws of Utah 2019, Chapter 165 or Laws of Utah 2023, Chapter 224, and is instead subject to the municipal incorporation law in effect on the day on which the individual files the feasibility request.

(2) If an individual files a feasibility request for incorporation of a city or town before May 3, 2023[~~,~~] :

(a) except as provided in Subsection (2)(b), the process for incorporating the city or town is not subject to Laws of Utah 2023, Chapter 224, and is subject to the municipal incorporation law in effect on the day on which the individual files the feasibility request; and

(b) the process and requirements for filing a modified feasibility request on or after May 6, 2026, shall be in accordance with the law in effect on the day on which the individual or an incorporation sponsor files a modified feasibility request.

Section 2. Section **10-2a-206** is amended to read:

10-2a-206 (Effective 05/06/26). Modified feasibility request -- Supplemental feasibility study.

(1) As used in this section, "specified landowner" means the same as that term is defined in Section 10-2a-204.5.

[~~(1)~~] (2)(a) The sponsors of a feasibility request may modify the request to alter the boundaries of the proposed municipality and refile the modified feasibility request with the county clerk if:

(i) the results of the feasibility study do not comply with Subsection 10-2a-205(5)(a); or

(ii)(A) the feasibility request complies with Subsection 10-2a-201.5(4)(b);

(B) the annexation petition described in Subsection 10-2a-201.5(4)(b) that proposed the annexation of an area that is part of the area proposed for incorporation has been denied; and

(C) an incorporation petition based on the feasibility request has not been filed.

(b)(i) The sponsors of a feasibility request may not file a modified request under Subsection [~~(1)(a)(i)~~] (2)(a)(i) more than 90 days after the day on which the feasibility consultant submits the final results of the feasibility study under Subsection 10-2a-205(2)(c)(iii).

(ii) The sponsors of a feasibility request may not file a modified request under Subsection [~~(1)(a)(ii)~~] (2)(a)(ii) more than 18 months after filing the original feasibility request under Section 10-2a-202.

(c)(i) Subject to Subsection [~~(1)(c)(ii)~~] (2)(c)(ii), each modified feasibility request under Subsection [~~(1)(a)~~] (2)(a) shall comply with Subsections 10-2a-202(1), (3), (4), and (5) and Subsection 10-2a-201.5(4).

(ii) Notwithstanding Subsection [~~(1)(c)(i)~~] (2)(c)(i), a signature on a feasibility request filed under Section 10-2a-202 may be used toward fulfilling the signature requirement of Subsection 10-2a-202(1)(a) for the feasibility request as modified under Subsection [~~(1)(a)~~] (2)(a), unless the modified feasibility request proposes the incorporation of an area that is more than 20% larger or smaller than the area described by the original feasibility request in terms of:

(A) private land area; or

(B) assessed fair market value of private real property, as of January 1 of the current year.

(d) Within 20 days after the day on which the county clerk receives the modified request, the county clerk and the lieutenant governor shall follow the same procedure described in Subsections 10-2a-204(1) through (6) for the modified feasibility request as for an original feasibility request.

(e)(i) If a sponsor files a modified feasibility request that includes an area of land that

was not included in the original feasibility request, the county clerk shall, within seven days after the day on which the sponsor files the modified feasibility request with the lieutenant governor, identify any new specified landowners located within the added area of land and mail written notice to each of the new specified landowners.

(ii) The notice described in Subsection (2)(e)(i) shall:

(A) describe the added area of land; and

(B) state that a specified landowner who owns land within the added area may request exclusion of the land from the proposed incorporation boundaries by filing a request for exclusion with the county clerk within 30 days after the day on which the county clerk mails the notice.

(f)(i) A specified landowner who owns land within the added area described in Subsection (2)(e)(i) may request exclusion of the land from the proposed incorporation boundaries by filing a request for exclusion with the county clerk within 30 days after the day on which the county clerk mails the notice described in Subsection (2)(e)(i).

(ii) The county clerk shall process a request for exclusion filed under Subsection (2)(f)(i) in accordance with Subsections 10-2a-204.5(3) through (7), except that the deadlines calculated from the first public hearing in Section 10-2a-204.5 shall instead be calculated from the day on which the county clerk mails notice described in Subsection (2)(e)(i).

[~~(e)~~] (g) Within 10 days after [~~a~~] the day on which the time period for a specified landowner to request exclusion under Subsection (2)(f) expires, or if a sponsor files a modified feasibility request that does not include a new area of land, within 10 days after the sponsor files the modified feasibility request[~~ is filed~~], the lieutenant governor shall:

(i) estimate the cost of a supplemental feasibility study under this section; and

(ii) provide the estimated cost to the feasibility request sponsors.

[~~(f)~~] (h) Within 20 days after the lieutenant governor provides the estimated supplemental feasibility study cost, the feasibility request sponsors shall pay the estimated cost to the lieutenant governor for a supplemental feasibility study conducted on or after May 1, 2024.

[~~(2)~~] (3) The timely filing of a modified feasibility request under Subsection [~~(1)~~] (2) gives the modified feasibility request the same processing priority under Subsection

10-2a-204(7) as the original feasibility request if the feasibility request sponsors pay the estimated cost of the supplemental feasibility study as required in Subsection [~~(1)(e)~~] (2)(e).

[~~(3)~~] (4) [~~Within~~] Except as provided in Subsection (5), within 10 days after the day on which the lieutenant governor receives payment of the estimated supplemental feasibility study cost, the lieutenant governor shall commission the feasibility consultant who conducted the feasibility study to conduct a supplemental feasibility study that accounts for the modified feasibility request.

(5) If a modified feasibility request includes an area of land that was not included in the original feasibility request, the lieutenant governor may not commission a supplemental feasibility study under Subsection (4) unless:

(a) the deadline for filing a request for exclusion described in Subsection (2)(f) has passed; and

(b) the county clerk and lieutenant governor have issued a final determination on any request for exclusion filed in accordance with Subsection (2)(f).

[~~(4)~~] (6) The lieutenant governor shall require the feasibility consultant to:

(a) submit a draft of the supplemental feasibility study to each applicable person with whom the feasibility consultant is required to consult under Subsection 10-2a-205(3)(c) within 30 days after the day on which the feasibility consultant is engaged to conduct the supplemental study;

(b) allow each person to whom the consultant provided a draft under Subsection [~~(4)(a)~~] (6)(a) to review and provide comment on the draft; and

(c) submit a completed supplemental feasibility study, to the following within 45 days after the day on which the feasibility consultant is engaged to conduct the feasibility study:

(i) the lieutenant governor;

(ii) the county legislative body of the county in which the incorporation is proposed;

(iii) the contact sponsor; and

(iv) each person to whom the consultant provided a draft under Subsection [~~(4)(a)~~] (6)(a).

[~~(5)~~] (7) If the results of the supplemental feasibility study do not comply with Subsection 10-2a-205(5)(a):

(a) the process to incorporate the area that is the subject of the supplemental feasibility study may not proceed; and

(b) a feasibility request under Section 10-2a-202 may not be filed within 18 months after the date of the supplemental feasibility study if the feasibility request proposes the incorporation of an area included within the area described in the supplemental feasibility study.

Section 3. Section **10-2a-220** is amended to read:

10-2a-220 (Effective 05/06/26). Costs of incorporation -- Fees established by lieutenant governor.

(1)(a) There is created an expendable special revenue fund known as the "Municipal Incorporation Expendable Special Revenue Fund."

(b) The fund shall consist of:

(i) appropriations from the Legislature;

(ii) payments that feasibility request sponsors make to the lieutenant governor under Subsections 10-2a-205(1)(b) and 10-2a-206(1)(f); and

(iii) fees the lieutenant governor collects and remits to the fund under this section.

(c) The lieutenant governor shall deposit all money collected under this section into the fund.

(2)(a) The lieutenant governor shall establish a fee in accordance with Section 63J-1-504 for a cost incurred by the lieutenant governor or the county for an incorporation proceeding, including:

(i) a request certification;

(ii) a petition certification;

(iii) publication of notices;

(iv) public hearings;

(v) all other incorporation activities occurring after the elections; and

(vi) any other cost incurred by the lieutenant governor or county in relation to an incorporation proceeding.

(b) A cost under Subsection (2)(a) does not include a cost incurred by a county for holding an election under Section 10-2a-210.

(3) Subject to Subsections 10-2a-205(1)(b) and [~~10-2a-206(1)(f)~~] 10-2a-206(2)(h), the lieutenant governor shall pay for a cost described in Subsection (2)(a) using funds from the Municipal Incorporation Expendable Special Revenue Fund.

(4)(a) A newly incorporated municipality shall:

(i) pay to the lieutenant governor each fee established under Subsection (2) for each cost described in Subsection (2)(a) incurred by the lieutenant governor or the

county;

(ii) pay the county for a cost described in Subsection (2)(b); and

(iii) reimburse feasibility request sponsors the cost the feasibility request sponsors paid for:

(A) a feasibility study under Section 10-2a-205; and

(B) any supplemental feasibility study under Section 10-2a-206.

(b) The lieutenant governor shall execute a payback agreement with each new municipality for the new municipality to pay the fees described in Subsection (4)(a) over a period that, except as provided in Subsection (4)(c), may not exceed five years.

(c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the deadline described in Subsection (4)(b) by amending the payback agreement described in Subsection (4)(b).

(d) The lieutenant governor shall deposit each fee the lieutenant governor collects under Subsection (4)(a)(i) into the Municipal Incorporation Expendable Special Revenue Fund.

(5) If the lieutenant governor expends funds from the Municipal Incorporation Expendable Special Revenue Fund that are not repaid to the lieutenant governor under Subsection (4)(a)(i) because an area did not incorporate as a municipality, the Legislature shall appropriate money to the fund in an amount equal to the funds that are not repaid.

Section 4. Section **10-3-702** is amended to read:

10-3-702 (Effective 05/06/26). Extent of power exercised by ordinance.

[~~(1) As used in this section, "open house" means an event held by a homeowner, including an event in association with a real estate agent, architect, builder, or developer, to showcase a home, including the outdoor landscaping around the home.~~]

[~~(2)~~] (1)[~~(a) Except as provided in Subsection (2)(b), the~~] The governing body of a municipality may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this title or any other provision of law.

[~~(b)(i) The governing body of a municipality may not regulate an open house differently than a residential use.~~]

[~~(ii) Any ordinance regulating an open house differently than a residential use is void.~~]

[~~(3)~~] (2)(a) An officer of the municipality may not be convicted of a criminal offense where the officer relied on or enforced an ordinance the officer reasonably believed

to be a valid ordinance.

(b) It shall be a defense in any action for punitive damages over the enforcement of an invalid ordinance if the official:

(i) acted in good faith in enforcing an ordinance; or

(ii) enforced an ordinance on advice of legal counsel.

Section 5. Section **10-20-102** is amended to read:

10-20-102 (Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

(2) "Adversely affected party" means a person other than a land use applicant who:

(a) owns real property adjoining the property that is the subject of a land use application or land use decision; or

(b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

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

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

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

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

(4) "Affected owner" means the owner of real property that is:

(a) a single project; and

(b) the subject of a land use approval that:

(i) sponsors of a referendum timely challenged in accordance with Section 20A-7-601; and

[~~(c)~~] (ii) is determined to be legally referable under Section 20A-7-602.8.

(5) "Appeal authority" means the person, board, commission, agency, or other body

designated by ordinance to decide an appeal of a decision of a land use application or a variance.

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

(7)(a) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.

(b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

(8)(a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.

(b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

(9) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.

[~~(9)~~] (10)(a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

(b) "Charter school" does not include a therapeutic school.

[~~(10) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day~~

~~before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.~~]

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

(12) "Constitutional taking" means a governmental action that results in a taking of private property [~~so that~~] where compensation to the property owner[~~ of the property~~] is required by the:

(a) Fifth or Fourteenth Amendment [~~of~~] to the Constitution of the United States; or

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

(13) "Conveyance document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.5.

(14) "Conveyance of property" means the transfer of ownership of any portion of real property from one person to another person.

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

(16) "Department of Transportation" means the entity created in Section 72-1-201.

(17) "Development activity" means:

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

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

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

(18)(a) "Development agreement" means a written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use or development of a specific area of land.

(b) "Development agreement" does not include an improvement completion assurance.

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

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

(20) "Document" means the same as that term is defined in Section 57-1-1.

(21) "Educational facility":

(a) means:

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

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection (21)(a)(i); and

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

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

(b) does not include:

(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

(A) not located on the same property as a building described in Subsection (21)(a)(i); and

(B) used in support of the purposes of a building described in Subsection (21)(a)(i); or

(ii) a therapeutic school.

(22) "Establishment document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.

[~~(23) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.~~]

[~~(24)~~] (23) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

[~~(25)~~] (24) "Flood plain" means land that:

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

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

(25) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.

(26) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

(27) "Geologic hazard" means:

(a) a surface fault rupture;

(b) shallow groundwater;

(c) liquefaction;

(d) a landslide;

(e) a debris flow;

(f) unstable soil;

(g) a rock fall; or

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

(i) to life;

(ii) of substantial loss of real property; or

(iii) of substantial damage to real property.

(28) "Historic preservation authority" means a person, board, commission, or other body designated by a legislative body to:

(a) recommend land use regulations to preserve local historic districts or areas; and

(b) administer local historic preservation land use regulations within a local historic district or area.

(29) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.

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

(31)(a) "Identical plans" means floor plans submitted to a municipality that:

(i) are submitted within the same building code adoption cycle as floor plans that were previously approved by the municipality;

(ii) have no structural differences from floor plans that were previously approved by

the municipality; and

(iii) describe a building that:

(A) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

(B) has a substantially identical floor plan to a floor plan previously approved by the municipality; and

(C) does not require any engineering or analysis beyond a review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the municipality or a review of the site plan and associated geotechnical reports for the site.

(b) "Identical plans" include floor plans that are oriented differently as the floor plan that was previously approved by the municipality.

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

(33) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

(a) recording a subdivision plat; or

(b) development of a commercial, industrial, mixed use, or multifamily project.

(34) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

(a) complies with the municipality's written standards for design, materials, and workmanship; and

(b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

(35) "Improvement warranty period" means a period:

(a) no later than one year after a municipality's acceptance of required public landscaping; or

(b) no later than one year after a municipality's acceptance of required infrastructure, unless the municipality:

(i) determines, based on accepted industry standards and for good cause, that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the land use applicant to mitigate the suspect soil.

(36) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

(a) is required for human occupation; and

(b) an applicant shall install:

(i) in accordance with published installation and inspection specifications for public improvements; and

(ii) whether the improvement is public or private, as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) development of a commercial, industrial, mixed use, condominium, or multifamily project.

(37) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

(b)(i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

(ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

(38) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

(39) "Land use application":

(a) means an application that is:

(i) required by a municipality; and

(ii) submitted by a land use applicant to obtain a land use decision; and

(b) does not mean an application to enact, amend, or repeal a land use regulation.

(40) "Land use authority" means:

(a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or

(b) if the local legislative body has not designated a person, board, commission, agency,

or body, the local legislative body.

(41) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

(a) a land use permit; or

(b) a land use application.

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

(43) "Land use regulation":

(a) means a legislative decision enacted by ordinance, law, code, map, resolution, engineering or development standard, specification for public improvement, fee, or rule that governs the use or development of land;

(b) includes the adoption or amendment of a zoning map or the text of the zoning code; and

(c) does not include:

(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or

(ii) a temporary revision to an engineering specification that does not materially:

(A) increase a land use applicant's cost of development compared to the existing specification; or

(B) impact a land use applicant's use of land.

(44) "Legislative body" means the municipal council.

(45) "Local historic district or area" means a geographically definable area that:

(a) contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body; and

(b) is subject to land use regulations to preserve the historic significance of the local historic district or area.

(46) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

(47) "Major transit investment corridor" means public transit service that uses or occupies:

(a) public transit rail right-of-way;

(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or

(c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:

(i) a public transit district as defined in Section 17B-2a-802; or

(ii) an eligible political subdivision as defined in Section 59-12-2202.

(48) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.

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

(50) "Municipal utility easement" means an easement that:

(a) is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;

(b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;

(c) the municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines;

(d) is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;

(e)(i) is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement; and

(ii) is located in a utility easement granted for public use; or

(f) is described in Section 10-20-615 and is used by a specified public utility.

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

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

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

(52) "Noncomplying structure" means a structure that:

(a) legally existed before the structure's current land use designation; and

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

(53) "Nonconforming use" means a use of land that:

(a) legally existed before [~~its~~] the land's current land use designation;

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

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

the regulations that now govern the use of the land.

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

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

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

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

(55) "Parcel" means any real property that is not a lot.

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

(57) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the municipality;

(b) an estimate of the need for moderate income housing in the municipality for the next five years;

(c) a survey of total residential land use;

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

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

(58) "Planning commission" means the commission established under Section 10-20-301.

(59) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 10-20-803 or 57-8-13.

(60) "Potential geologic hazard area" means an area that:

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

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

(61) "Property owner" means a person that holds legal title in real property.

[~~(61)~~] (62) "Public agency" means:

(a) the federal government;

(b) the state;

(c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or

(d) a charter school.

[~~(62)~~] (63) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

[~~(63)~~] (64) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

[~~(64)~~] (65) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

[~~(65)~~] (66) "Receiving zone" means an area that a municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

[~~(66)~~] (67) "Record of survey map" means a map of a survey of land prepared in accordance with Section 17-73-504.

[~~(67)~~] (68) "Residential facility for persons with a disability" means a residence:

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

(b) which is licensed or certified by the Department of Health and Human Services under:

(i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

(ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

[~~(68)~~] (69) "Residential roadway" means a public local residential road that:

(a) will serve primarily to provide access to adjacent primarily residential areas and property;

(b) is designed to accommodate minimal traffic volumes or vehicular traffic;

(c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;

(d) has a posted speed limit of 25 miles per hour or less;

(e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;

(f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and

(g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

[~~(69)~~] (70) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

[~~(70)~~] (71) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

[~~(71)~~] (72) "Sending zone" means an area that a municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

[~~(72)~~] (73) "Simple boundary adjustment" means a boundary adjustment that does not:

(a) affect a public right-of-way, municipal utility easement, or other public property;

(b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or

(c) result in a lot or parcel out of conformity with land use regulations.

[~~(73)~~] (74) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

(75) "Specific land use law" means a requirement or restriction on the use of a specific parcel in a development agreement that a legislative body approves with the consent of an affected property owner.

[~~(74)~~] (76) "Specified public agency" means:

(a) the state;

(b) a school district; or

(c) a charter school.

[~~(75)~~] (77) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

[~~(76)~~] (78) "State" includes any department, division, or agency of the state.

[~~(77)~~] (79)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether

immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

(i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

(ii) except as provided in Subsection [~~(77)(c)~~] (79)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

(i) a bona fide division or partition of land used for agricultural purposes as provided in Subsection 10-20-808(2);

(ii) a recorded conveyance document:

(A) consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or

(B) joining a lot to a parcel;

(iii) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:

(A) is in anticipation of future land use approvals on the parcel or parcels;

(B) does not confer any land use approvals; and

(C) has not been approved by the land use authority;

(iv) a boundary adjustment;

(v) a boundary establishment;

(vi) a road, street, or highway dedication plat;

(vii) a deed or easement for a road, street, or highway purpose; or

(viii) any other division of land authorized by law.

[~~(78)~~] (80)(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-20-811 that:

(i) vacates all or a portion of the subdivision;

(ii) increases the number of lots within the subdivision;

(iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or

(iv) alters a common area or other common amenity within the subdivision.

(b) "Subdivision amendment" does not include a simple boundary adjustment.

[~~(79)~~] (81) "Substantial evidence" means evidence that:

(a) is beyond a scintilla; and

(b) a reasonable mind would accept as adequate to support a conclusion.

[~~(80)~~] (82) "Suspect soil" means soil that has:

(a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;

(b) bedrock units with high shrink or swell susceptibility; or

(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

[~~(81)~~] (83) "Therapeutic school" means a residential group living facility:

(a) for four or more individuals who are not related to:

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

(b) that serves students who have a history of failing to function:

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

(B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

[~~(82)~~] (84) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a [~~land~~] property owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

[~~(83)~~] (85) "Unincorporated" means the area outside of the incorporated area of a city or town.

[~~(84)~~] (86) "Water interest" means any right to the beneficial use of water, including:

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

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

(i) a contract; or

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

[~~(85)~~] (87) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 6. Section **10-20-301** is amended to read:

10-20-301 (Effective 05/06/26). Ordinance establishing planning commission required -- Ordinance requirements -- Compensation.

(1)(a) Each municipality shall enact an ordinance establishing a planning commission.

(b) The ordinance shall[~~define~~]:

(i) include the number and terms of the planning commission members and, if the municipality chooses, alternate members;

(ii) [~~the mode of appointment~~] provide procedures for appointing a planning commission member;

(iii) [~~the~~] provide procedures for filling vacancies [~~and~~] on the planning commission;

(iv) [~~removal from office;~~] provide procedures for removing a planning commission member from the planning commission and specify that:

(A) in a form of government described in Section 10-3b-301 or 10-3b-401, and subject to any delegation of authority under Subsection 10-3b-303(1) or 10-3b-403(1), the legislative body may remove a planning commission member; or

(B) in a form of government described in Section 10-3b-202, the mayor may remove a planning commission member;

(v) except as provided in Subsection (1)(b)(vi), describe the causes for which a planning commission member may be removed from the planning commission, which shall include:

(A) using public funds for a political purpose under Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;

(B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

(C) acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the planning commission member's administrative or quasi-judicial duties;

(vi) provide that a planning commission member deliberating about a specific pending land use application in a planning commission meeting with municipal

staff, an elected official, or the land use applicant is not cause for removing a planning commission member from the planning commission;

(vii) provide requirements for when a planning commission member shall recuse oneself from deliberating or voting on certain land use applications;

[~~(iv)~~] (viii) define the authority of the planning commission;

[~~(v)~~] (ix) subject to Subsection (1)(c), [~~the~~] include rules of order and procedure for use by the planning commission in a public meeting; and

[~~(vi)~~] (x) include other details relating to the organization and procedures of the planning commission.

(c) Subsection [~~(1)(b)(v)~~] (1)(b)(ix) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(2) The legislative body may authorize a member to receive per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.

Section 7. Section **10-20-302** is amended to read:

10-20-302 (Effective 05/06/26). Planning commission powers and duties -- Training requirements.

(1) The planning commission shall review and make a recommendation to the legislative body for:

(a) a general plan and amendments to the general plan;

(b) land use regulations, including:

(i) ordinances regarding the subdivision of land within the municipality; and

(ii) amendments to existing land use regulations;

(c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;

(d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and

(e) application processes that:

(i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and

(ii) shall protect the right of each:

(A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority; and

(B) land use applicant or adversely affected party to appeal a land use authority's

decision to a separate appeal authority[~~; and~~] .

[~~(C) participant to be heard in each public hearing on a contested application.~~]

(2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 10-20-405.

(3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.

[~~(4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.~~]

[~~(5)~~] (4) Nothing in this section limits the right of a municipality to initiate or propose the actions described in this section.

[~~(6)~~] (5)(a)(i) This Subsection [~~(6)~~] (5) applies to:

(A) a city of the first, second, third, or fourth class; and

(B) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class.

(ii) The population for each city described in Subsection [~~(6)(a)(i)~~] (5)(a)(i) shall be derived from:

(A) an estimate of the Utah Population Committee created in Section 63C-20-103; or

(B) if the Utah Population Committee estimate is not available, the most recent official census or census estimate of the United States [~~Bureau of the~~]Census Bureau.

(b) A municipality described in Subsection [~~(6)(a)(i)~~] (5)(a)(i) shall ensure that each member of the municipality's planning commission completes four hours of annual land use training as follows:

(i) one hour of annual training on general powers and duties, including the role of the planning commission in administrative, legislative, and quasi-judicial functions under this chapter; and

(ii) three hours of annual training on a combination of land use and ethics topics, which may include:

(A) appeals and variances;

(B) conditional use permits;

(C) exactions;

(D) impact fees;

(E) vested rights;

(F) subdivision regulations and improvement guarantees;

(G) land use referenda;

(H) property rights;

(I) real estate procedures and financing;

(J) zoning, including use-based and form-based;[~~and~~]

(K) drafting ordinances and code that complies with statute[~~.~~] ;

(L) ex parte communication; and

(M) conflict of interest.

(c) A newly appointed planning commission member may not participate in a public meeting as an appointed member until the member completes the training described in Subsection [~~(6)(b)(i)~~] (5)(b)(i).

(d) A planning commission member may qualify for one completed hour of training required under Subsection [~~(6)(b)(ii)~~] (5)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year.

(e) A municipality shall provide the training described in Subsection [~~(6)(b)~~] (5)(b) through:

(i) municipal staff;

(ii) the Utah League of Cities and Towns; or

(iii) a list of training courses selected by:

(A) the Utah League of Cities and Towns; or

(B) the Division of Real Estate created in Section 61-2-201.

(f) A municipality shall, for each planning commission member:

(i) monitor compliance with the training requirements in Subsection [~~(6)(b)~~] (5)(b); and

(ii) maintain a record of training completion at the end of each calendar year.

Section 8. Section **10-20-501** is amended to read:

10-20-501 (Effective 05/06/26). Enactment of land use regulation, land use decision, or development agreement.

(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.

(2)(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use regulation only by ordinance.

(b) A legislative body may, by ordinance or resolution, enact a land use regulation that

imposes a fee.

(3) A legislative body shall ensure that a land use regulation is consistent with the purposes [~~set forth in~~] of this chapter.

(4)(a) A legislative body shall adopt a land use regulation to:

(i) create or amend a zoning district under Subsection 10-20-503(1)(a); and

(ii) designate general uses allowed in each zoning district.

(b) A land use authority may establish or modify other restrictions or requirements other than those described in Subsection (4)(a), including the configuration or modification of uses or density, through a land use decision that applies criteria or policy elements that a land use regulation establishes or describes.

(5)(a) Except as provided in Subsection (5)(b) or (5)(c), a municipality shall publish on the municipality's website:

(i) all of the municipality's land use regulations; and

(ii) a fee schedule that lists all of the municipality's fees related to a land use application, land use permit, or land use regulation, including development review fees and impact fees.

(b) A municipality that does not have a maintained and active website shall provide for inspection of the information described in Subsection (5)(a) at the municipality's place of business during normal business hours.

(c) A municipality may comply with Subsection (5)(a) by:

(i) posting a link on the municipality's website to a separate webpage or third-party website where the land use regulations or fee schedule described in Subsection (5)(a) are posted; and

(ii) submitting a new or modified land use regulation or fee schedule described in Subsection (5)(a) to the third-party website within six months after the day on which the legislative body adopts the new or modified land use regulation or fee schedule.

[~~(5)~~] (6) A municipality may not adopt a land use regulation[~~,~~] or development agreement, or make a land use decision, that restricts the type of crop that may be grown in an area that is:

(a) zoned agricultural; or

(b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

[~~(6)~~] (7) A municipal land use regulation pertaining to an airport or an airport influence area, as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4,

Airport Zoning Act.

Section 9. Section **10-20-502** is amended to read:

10-20-502 (Effective 05/06/26). Preparation and adoption of land use regulation.

(1) A planning commission shall:

(a) provide notice as required by Subsection 10-20-205(1)(a) and, if applicable, Subsection 10-20-205(4);

(b) hold a public hearing on a proposed land use regulation;

(c) if applicable, consider each written objection filed in accordance with Subsection 10-20-205(5) before the public hearing; and

(d)(i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and

(ii) forward to the legislative body all objections filed in accordance with Subsection 10-20-205(5).

(2)(a) A legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.

(b) After providing notice as required by Subsection 10-20-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the land use regulation described in Subsection (2)(a):

(i) as proposed by the planning commission; or

(ii) after making any revision the legislative body considers appropriate.

[~~(c) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.~~]

(c) Beginning on September 15, 2026, a legislative body may adopt or reject a proposed land use regulation without waiting for a recommendation from the planning commission if:

(i) a land use applicant makes a request described in Subsection 10-20-905(2)(b); or

(ii) a legislative body determines that a planning commission has had adequate time to consider the land use regulation.

Section 10. Section **10-20-507** is amended to read:

10-20-507 (Effective 05/06/26). Classification of new and unlisted business uses.

(1) As used in this section:

(a) "Classification request" means a request to determine whether a proposed business

use aligns with an existing land use specified in a municipality's land use ordinances.

(b) "New or unlisted business use" means a business activity that does not align with an existing land use specified in a municipality's land use ordinances.

(2)(a) Each municipality shall incorporate into the municipality's land use ordinances a process for reviewing and approving a new or unlisted business use and designating an appropriate zone or zones for an approved use.

(b) The process described in Subsection (2)(a) shall:

(i) detail how an applicant may submit a classification request;

(ii) establish a procedure for the municipality to review a classification request, including:

(A) providing a land use authority with criteria to determine whether a proposed use aligns with an existing use;[~~and~~]

(B) allowing an applicant to proceed under the regulations of an existing use if a land use authority determines a proposed use aligns with that existing use; and

(C) providing the applicant an opportunity to appeal a land use authority's decision to a land use appeal authority;

(iii) provide that if a use is determined to be a new or unlisted business use:

(A) the applicant shall submit to the legislative body for review an application [~~for approval of the new or unlisted business use to the legislative body for review~~] requesting that the legislative body adopt a land use ordinance that permits the new or unlisted business as a permitted or conditional use;

(B) notwithstanding Subsection 10-20-503(2) or (3), the legislative body shall consider and [~~determine whether to~~]approve or deny [~~the new or unlisted business use~~] the application described in Subsection (2)(b)(iii)(A); and

(C) the legislative body shall approve or deny [~~the new or unlisted business use~~] the application described in Subsection (2)(b)(iii)(A), within a time frame the legislative body establishes by ordinance, if the applicant responds to requests for additional information within a time frame established by the municipality and appears at required hearings;

(iv) provide that if the legislative body approves [~~a proposed new or unlisted business use~~] the application described in Subsection (2)(b)(iii)(A), the legislative body shall designate an appropriate zone or zones for the approved use; and

(v) provide that if the legislative body denies [~~a proposed new or unlisted business use~~] the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees

with the land use authority's classification of the proposed use, the legislative body shall:

(A) notify the applicant in writing of each reason for the classification or denial; and

(B) [~~offer the applicant an opportunity to challenge the classification or denial through an administrative appeal process established by the municipality~~] notify the applicant of the process for appealing the legislative body's decision in accordance with Section 10-20-1109.

(c) A municipality may not require an applicant who submits an application described in Subsection (2)(b)(iii)(A) to submit the application to the planning commission for consideration, review, or approval.

(3) Each municipality shall amend each land use ordinance that contains a list of approved or prohibited business uses to include a reference to the process for petitioning to approve a new or unlisted business use, as described in Subsection (2).

Section 11. Section **10-20-625** is enacted to read:

10-20-625 (Effective 05/06/26). Model homes and open houses.

(1) As used in this section:

(a) "Model home" means:

(i) a single-family home that the homebuilder uses to promote the sale or lease of another single-family home; or

(ii) a unit within a multi-family residential structure that the owner uses to promote the sale or lease of another unit within the multi-family residential structure.

(b) "Open house" means an event held by a homeowner, including an event in association with a real estate agent, architect, builder, or developer, to showcase a home, including the outdoor landscaping around the home.

(2) The legislative body of a municipality may not regulate a model home or open house differently than a residential use.

(3) Any ordinance regulating a model home or an open house differently than a residential use is void.

Section 12. Section **10-20-626** is enacted to read:

10-20-626 (Effective 05/06/26). Structure height.

(1) A municipality may regulate:

(a) the number of habitable stories that a structure may contain; and

(b) the overall height of a structure.

(2) If a land use authority approved a land use application for a commercial lodging structure on or before September 1, 2025, and the land use application is subject to land use regulations described in Subsection (1) that conflict, the land use authority may not limit the number of above-ground habitable stories the land use applicant builds within the maximum overall height that the land use authority approved for the structure.

Section 13. Section **10-20-806** is amended to read:

10-20-806 (Effective 05/06/26). Review of subdivision applications and subdivision improvement plans.

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

(i) the applicant's submittal of a complete subdivision application;

(ii) the municipality's review of that subdivision application;

(iii) the municipality's response to that subdivision application, in accordance with this section; and

(iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

(b) "Subdivision application" means a land use application for the subdivision of land.

(c) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.

(d) "Subdivision ordinance review" means review by a municipality to verify that a subdivision application meets the criteria of the municipality's ordinances.

(e) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with municipal ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

(2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

(3)(a) A municipality may require a subdivision improvement plan to be submitted with a subdivision application.

(b) A municipality may not require a subdivision improvement plan to be submitted with both a preliminary subdivision application and a final subdivision application.

(4)(a) The review cycle requirements of this section apply:

(i) to the review of a preliminary subdivision application, if the municipality requires

a subdivision improvement plan to be submitted with a preliminary subdivision application; or

(ii) to the review of a final subdivision application, if the municipality requires a subdivision improvement plan to be submitted with a final subdivision application.

(b) A municipality may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a municipally controlled utility.

(5)(a) A municipality shall complete the initial review of a complete subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

(i) no later than 15 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or

(ii) no later than 30 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.

(b) A municipality shall maintain and publish a list of the items comprising the complete subdivision application, including:

(i) the application;

(ii) the owner's affidavit;

(iii) an electronic copy of all plans in PDF format;

(iv) the preliminary subdivision plat drawings; and

(v) a breakdown of fees due upon approval of the application.

(6) A municipality shall publish a list of the items that comprise a complete subdivision land use application.

(7) A municipality shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

(a) within 20 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or

(b) within 40 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.

(8)(a) In reviewing a subdivision application, a municipality may require:

(i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards

or specifications, or do not contain complete information.

(b) A municipality's request for additional information or modifications to plans under Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.

(c) A municipality may not require more than four review cycles for a subdivision improvement plan review.

(d)(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's subdivision improvement plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a subdivision improvement plan, the municipality has the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.

(e)(i) This Subsection (8)(e) applies if an applicant does not submit a revised subdivision improvement plan within :

(A) 20 business days after the municipality requires a modification or correction, if the municipality has a population over 5,000; or

(B) 40 business days after the municipality requires a modification or correction, if the municipality has a population of 5,000 or less.

(ii) If an applicant does not submit a revised subdivision improvement plan within the time specified in Subsection (8)(e)(i), a municipality has an additional 20 business days after the time specified in Subsection (7) to respond to a revised subdivision improvement plan.

(9) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(10)(a) In addition to revised plans, an applicant shall provide a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(11)[~~(a)~~] If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

[~~(i)~~] (a) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection [~~10-20-911(5)(d)~~] 10-20-911(4)(d) to review and approve or deny the final revised set of plans; or

[~~(ii)~~] (b) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Section 14. Section **10-20-807** is amended to read:

10-20-807 (Effective 05/06/26). Subdivision plat recording or development activity before required landscaping or infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

(1) As used in this section:

(a) "Private landscaping plan" means a proposal:

(i) to install landscaping on a lot owned by a private individual or entity; and

(ii) submitted to a municipality by the private individual or entity, or on behalf of a private individual or entity, that owns the lot.

(b) "Public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

(i) will be dedicated to and maintained by the municipality; or

(ii) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

(2) A land use authority shall establish objective inspection standards for acceptance of a

public landscaping improvement or infrastructure improvement that the land use authority requires.

(3)(a) Except as provided in Subsection (3)(d) or (e), before an applicant conducts any development activity or records a plat, the applicant shall:

(i) complete any required public landscaping improvements or infrastructure improvements; or

(ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.

(b) If an applicant elects to post an improvement completion assurance, the applicant shall, in accordance with Subsection (5), provide completion assurance for:

(i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or

(ii) if the municipality has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.

(c) A municipality shall:

(i) establish a minimum of two acceptable forms of completion assurance;

(ii)(A) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this chapter and any local ordinances; and

(B) beginning on May 7, 2025, if a municipality accepts cash deposits as a form of completion assurance and the applicant elects to post a new cash deposit as a form of completion assurance, place the cash deposit in an interest-bearing account upon receipt and return any earned interest to the applicant with the return of the completion assurance according to the conditions of this chapter and any local ordinances;

(iii) establish a system for the partial release of an improvement completion assurance as portions of required public landscaping improvements or infrastructure improvements are completed and accepted in accordance with local ordinance; and

(iv) issue or deny a building permit in accordance with Section 10-20-1001 based on the installation of public landscaping improvements or infrastructure improvements.

(d) A municipality may not require an applicant to post an improvement completion

assurance for:

(i) public landscaping improvements or an infrastructure improvement that the municipality has previously inspected and accepted;

(ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;

(iii) in a municipality where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the municipality requires to be private;

(iv) landscaping improvements that are not public landscaping improvements, unless the landscaping improvements and completion assurance are required under the terms of a development agreement;

(v) a private landscaping plan;

(vi) landscaping improvements or infrastructure improvements that an applicant elects to install at the applicant's own risk:

(A) before the plat is recorded;

(B) in accordance with inspections required by the municipality for the infrastructure improvement; and

(C) in accordance with final civil engineering plan approval by the municipality; or

(vii) any individual public landscaping improvement or individual infrastructure improvement when the individual public landscaping improvement or individual infrastructure improvement is also included as part of a separate improvement completion assurance.

(e)(i) A municipality may not:

(A) prohibit an applicant from installing a public landscaping improvement or an infrastructure improvement when the municipality has approved final civil engineering plans for the development activity or plat for which the public landscaping improvement or infrastructure improvement is required; or

(B) require an applicant to sign an agreement, release, or other document inconsistent with this chapter as a condition of posting an improvement completion assurance, security for an improvement warranty, or receiving a building permit.

(ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and

infrastructure improvements that are installed by an applicant are subject to inspection by the municipality in accordance with the municipality's adopted inspection standards.

(f)(i) Each improvement completion assurance and improvement warranty posted by an applicant with a municipality shall be independent of any other improvement completion assurance or improvement warranty posted by the same applicant with the municipality.

(ii) Subject to Section 10-20-905, if an applicant has posted a form of security with a municipality for more than one infrastructure improvement or public landscaping improvement, the municipality may not withhold acceptance of an applicant's required subdivision improvements, public landscaping improvement, infrastructure improvements, or the performance of warranty work for the same applicant's failure to complete a separate subdivision improvement, public landscaping improvement, infrastructure improvement, or warranty work under a separate improvement completion assurance or improvement warranty.

(4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or other entitlement benefit not currently available under the existing zone, a municipality may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.

(b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the municipality shall be memorialized in a development agreement.

(c) A municipality may not require a completion assurance bond for or dictate who installs or is responsible for the cost of the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.

(5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:

(a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and

(b) 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.

(6)(a) Upon an applicant's written request that the land use authority accept or reject the

applicant's installation of required subdivision improvements or performance of warranty work as set forth in Section 10-20-905, and for the duration of each improvement warranty period, the municipality may require the applicant to:

(i) execute an improvement warranty for the improvement warranty period; and

(ii) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the municipality, in the amount of up to 10% of the lesser of the:

(A) municipal engineer's original estimated cost of completion; or

(B) applicant's reasonable proven cost of completion.

(b) A municipality may not require the payment of the deposit of the improvement warranty assurance described in Subsection (6)(a)(i) for an infrastructure improvement or public landscaping improvement before the applicant indicates through written request that the applicant has completed the infrastructure improvement or public landscaping improvement.

(7) When a municipality accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii), the municipality may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.

(8) A municipality may not require the submission of a private landscaping plan as part of an application for a building permit.

(9) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the [~~state construction code~~] State Construction Code.

Section 15. Section **10-20-902** is amended to read:

10-20-902 (Effective 05/06/26). Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1)(a)(i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the application.

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use

decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the municipality initiated the proceedings; and

(ii)(A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

(B) during the 12 months before the municipality processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation adopted under Section 10-20-504.

(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

(d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-79-803.

(e) Unless a phasing sequence is required in an executed development agreement, a municipality shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.

(f) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(g) A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a municipal ordinance in effect on the date that the applicant submits a complete application, subject to Subsection 10-20-902(1)(a)(ii); or

(iii) a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

(h) A municipality may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

(i) in a land use permit;

(ii) on the subdivision plat;

(iii) in a document on which the land use permit or subdivision plat is based;

(iv) in the written record evidencing approval of the land use permit or subdivision plat;

(v) in this chapter;

(vi) in a municipal ordinance; or

(vii) in a municipal specification for residential roadways in effect at the time a residential subdivision was approved.

(i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or

(ii) in this chapter or the municipality's ordinances.

(j) A municipality may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the municipality have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable local ordinance.

(k) A municipality may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the municipality that any

lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

(l) A municipality:

(i) may require the submission of a private landscaping plan, as defined in Section 10-20-807, before landscaping is installed; and

(ii) may not withhold an applicant's building permit or certificate of occupancy because the applicant has not submitted a private landscaping plan.

(2) A municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3)(a) Beginning on October 1, 2026, and except as provided in Subsection (3)(b), a municipality shall publish on the municipality's website an application checklist for each land use application type that includes a checklist of all required plans and documents that make a complete application.

(b) A municipality that does have a maintained and active website shall provide for inspection of the information described in Subsection (3)(a) at the municipality's place of business during normal business hours.

[~~(3)~~] (4) A municipality may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

[~~(4)~~] (5) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-20-304(8) that complies with the requirements of that subsection, the specified public agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

[~~(5)~~] (6)(a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(5).

(b) Upon delivery of a written notice described in Subsection [~~(5)(a)~~] (6)(a) the following are rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

[~~(6)~~] (7)(a) After issuance of a building permit, a municipality may not:

(i) change or add to the requirements expressed in the building permit, unless the change or addition is:

(A) requested by the building permit holder; or

(B) necessary to comply with an applicable state building code; or

(ii) revoke the building permit or take action that has the effect of revoking the building permit.

(b) Subsection [~~(6)(a)~~] (7)(a) does not prevent a municipality from issuing a building permit that contains an expiration date defined in the building permit.

Section 16. Section **10-20-910** is amended to read:

10-20-910 (Effective 05/06/26). Provisions applicable to a provider of culinary or secondary water.

A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the following as if it were a municipality:

(1) Subsections 10-20-904(5) and (6);

(2) Section 10-20-905;[~~ and~~]

(3) Section 10-20-911; and

(4) Section 10-20-912.

Section 17. Section **10-20-911** is amended to read:

10-20-911 (Effective 05/06/26). Exactions -- Requirement to offer to original owner property acquired by exaction -- Exaction for right-of-way improvements -- Improvement completion assurance requirements.

(1) A municipality may impose an exaction or exactions on development proposed in a land use application, including, subject to [~~Subsection (3)~~] Section 10-20-912, an exaction for a water interest, if:

(a) an essential link exists between a legitimate governmental interest and each exaction; and

(b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

(2) If a land use authority imposes an exaction for another governmental entity:

(a) the governmental entity shall request the exaction; and

(b) the land use authority shall transfer the exaction to the governmental entity for which

it was exacted.

[~~(3)(a)(i) Subject to the requirements of this Subsection (3), a municipality shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.~~]

[~~(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base an exaction for a culinary water interest on:~~]

[~~(A) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water in accordance with Section 19-4-114; and~~]

[~~(B) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the municipality.~~]

[~~(iii) A municipality may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (3)(a)(ii) if the municipality, at the municipality's sole discretion, determines there is good cause to do so.~~]

[~~(iv)(A) A municipality shall make public the methodology used to comply with Subsection (3)(a)(ii)(B).~~]

[~~(B) A land use applicant may appeal to the municipality's governing body an exaction calculation used by the municipality under Subsection (3)(a)(ii).~~]

[~~(C) A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the municipality's governing body shall respond with due process.~~]

[~~(v) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on which an exaction for a water interest is based.~~]

[~~(b) A municipality may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).~~]

[~~(4)~~] (3)(a) If a municipality plans to dispose of surplus real property that was acquired under this section and has been owned by the municipality for less than 15 years, the

municipality shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the municipality.

(b) A person to whom a municipality offers to reconvey property under Subsection [~~(4)(a)~~] (3)(a) has 90 days to accept or reject the municipality's offer.

(c) If a person to whom a municipality offers to reconvey property declines the offer, the municipality may offer the property for sale.

(d) Subsection [~~(4)(a)~~] (3)(a) does not apply to the disposal of property acquired by exaction by a community reinvestment agency.

[~~(5)~~] (4)(a) A municipality may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.

(b) Subsection [~~(5)(a)~~] (4)(a) does not apply if a municipality requires the installation of pavement in excess of 32 feet:

(i) in a vehicle turnaround area;

(ii) in a cul-de-sac;

(iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;

(iv) to address an applicable general or master plan improvement, including transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area;

(v) to address traffic flow constraints for service to or abutting higher density developments or uses that generate higher traffic volumes, including community centers, schools, and other similar uses;

(vi) as needed for the installation or location of a utility which is maintained by the municipality and is considered a transmission line or requires additional roadway width;

(vii) for third-party utility lines that have an easement preventing the installation of utilities maintained by the municipality within the roadway;

(viii) for utilities over 12 feet in depth;

(ix) for roadways with a design speed that exceeds 25 miles per hour;

(x) as needed for flood and stormwater routing;

(xi) as needed to meet fire code requirements for parking and hydrants; or

(xii) as needed to accommodate street parking.

(c) Nothing in this section shall be construed to prevent a municipality from approving a road cross section with a pavement width less than 32 feet.

(d)(i) A land use applicant may appeal a municipal requirement for pavement in excess of 32 feet on a residential roadway.

(ii) A land use applicant that has appealed a municipal specification for a residential roadway pavement width in excess of 32 feet may request that the municipality assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.

(iii) Unless otherwise agreed by the applicant and the municipality, the panel described in Subsection [~~(5)(d)(ii)~~] (4)(d)(ii) shall consist of the following three experts:

(A) one licensed engineer, designated by the municipality;

(B) one licensed engineer, designated by the land use applicant; and

(C) one licensed engineer, agreed upon and designated by the two designated engineers under Subsections [~~(5)(d)(iii)(A)~~] (4)(d)(iii)(A) and (B).

(iv) A member of the panel assembled by the municipality under Subsection [~~(5)(d)(ii)~~] (4)(d)(ii) may not have an interest in the application that is the subject of the appeal.

(v) The land use applicant shall pay:

(A) 50% of the cost of the panel; and

(B) the municipality's published appeal fee.

(vi) The decision of the panel is a final decision, subject to a petition for review under Subsection [~~(5)(d)(vii)~~] (4)(d)(vii).

(vii) In accordance with Section 10-20-1109, a land use applicant or the municipality may file a petition for review of the decision with the district court within 30 days after the date that the decision is final.

[~~(6) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the provisions of this section the same as if the provider were a municipality.~~]

Section 18. Section **10-20-912** is enacted to read:

10-20-912 (Effective 05/06/26). Exactions for water rights.

(1) Subject to the requirements of this section, a municipality shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.

(2) Except as provided in Subsection (3), a culinary water authority shall base an exaction for a culinary water interest on:

(a) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water under Section 19-4-114; and

(b) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the municipality.

(3) If a municipality determines, in the sole discretion of the municipality, that good cause exists, the municipality may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (2).

(4)(a) A municipality shall make public the methodology used to comply with Subsection (2)(b).

(b) A land use applicant may submit a request to the municipality's legislative body to review an exaction calculation used by the municipality under Subsection (2).

(c) A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the municipality's legislative body shall respond with due process.

(5) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (2) on which an exaction for a water interest is based.

(6)(a) A municipality may not impose an exaction for a water interest if:

(i) the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public; or

(ii) the municipality or the municipality's culinary water authority does not have a written plan in accordance with Subsection (6)(b).

(b) Beginning on January 1, 2028, a municipality shall determine the municipality's water interests needed to meet the reasonable future water requirement of the public by completing a written plan described in Subsection 73-1-4(2)(f).

(7) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the provisions of this section and Section 10-20-911 the same as if the provider were a municipality.

Section 19. Section **10-20-1001** is amended to read:

10-20-1001 (Effective 05/06/26). Enforcement -- Limitations on a municipality's

ability to enforce an ordinance by withholding a permit or certificate.

(1)(a) A municipality or [~~an adversely affected party~~] a land use applicant may, in addition to other remedies provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) A municipality need only establish the violation to obtain the injunction.

(2)(a) Except as provided in Subsections (3) [~~though~~] through (6), a municipality may enforce the municipality's ordinance by withholding a building permit or certificate of occupancy.

(b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any building or other structure within a municipality without approval of a building permit.

(c) A municipality may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

(d) A municipality may require an applicant to maintain and repair a temporary fire apparatus road during the construction of a structure accessed by the temporary fire apparatus road in accordance with the municipality's adopted standards.

(e) A municipality may require temporary signs to be installed at each street intersection once construction of a new roadway allows passage by a motor vehicle.

(f) A municipality may adopt and enforce any appendix of the International Fire Code, 2021 Edition.

(3)(a) A municipality may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:

(i) unless the infrastructure improvement is essential to meet the requirements for the issuance of a building permit or certificate of occupancy under Title 15A, State Construction and Fire Codes Act; and

(ii) for which the municipality has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 10-20-807, or an infrastructure improvement for the development.

(b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6, infrastructure improvement that is essential means:

(i) for a building permit:

(A) operable fire hydrants installed in a manner that is consistent with the

municipality's adopted engineering standards; and

(B) for temporary roads used during construction, a properly compacted road base installed in a manner consistent with the municipality's adopted engineering standards;

(ii) for a certificate of occupancy, at the discretion of the municipality, at least one of the following:

(A) a permanent road;

(B) a temporary road covered with asphalt or concrete; or

(C) another method for accessing a structure consistent with Appendix D of the International Fire Code; and

(iii) public infrastructure necessary for the health, life, and safety of the occupant.

(c) A municipality may not adopt an engineering standard that requires an applicant to install a permanent road or a temporary road with asphalt or concrete before receiving a building permit.

(4) A municipality may not deny an applicant a building permit or certificate of occupancy for failure to:

(a) submit a private landscaping plan, as defined in Section 10-20-807; or

(b) complete a landscaping improvement that is not a public landscaping improvement, as defined in Section 10-20-807.

(5) A municipality may not withhold a building permit based on the lack of completion of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot where a single-family or two-family residence or town home is proposed in a building permit application if an improvement completion assurance has been posted for the incomplete portion of the public sidewalk.

(6) A municipality may not prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement, as defined in Section 10-20-807, or an infrastructure improvement based on the lack of installation of a public sidewalk if an improvement completion assurance has been posted for the public sidewalk.

(7) A municipality may not redeem an improvement completion assurance securing the installation of a public sidewalk sooner than 18 months after the date the improvement completion assurance is posted.

(8) A municipality shall allow an applicant to post an improvement completion assurance for a public sidewalk separate from an improvement completion assurance for:

(a) another infrastructure improvement; or

(b) a public landscaping improvement, as defined in Section 10-20-807.

(9) A municipality may withhold a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two-family residence or town home is completed and accepted by the municipality.

Section 20. Section **10-20-1101** is amended to read:

10-20-1101 (Effective 05/06/26). Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

(1)(a) [~~Each~~] Subject to Subsection (1)(d), each municipality adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities.

(b) An appeal authority described in Subsection (1)(a) shall hear and decide:

(i) requests for [~~variances~~] a variance from [~~the terms of~~] a land use [~~ordinances~~] ordinance;

(ii) appeals from a land use [~~decisions~~] decision applying a land use [~~ordinances~~] ordinance; and

(iii) appeals from a fee charged in accordance with Section 10-20-904.

(c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the enactment of a land use regulation.

(d) Beginning on July 1, 2026, a city described in Subsection 10-20-302(5)(a)(i) may not designate the city's legislative body as an appeal authority.

(e) Notwithstanding Subsection (1)(d), a legislative body shall continue to be the appeal authority for an appeal if:

(i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal; and

(ii) the appellant filed the appeal on or before June 30, 2026.

(2) As a condition precedent to judicial review, each adversely affected party or land use applicant shall timely and specifically challenge a land use authority's land use decision, in accordance with local ordinance.

(3) An appeal authority described in Subsection (1)(a):

(a) shall:

(i) act in a quasi-judicial manner; and

(ii) serve as the final arbiter of issues involving the interpretation or application of a

land use [~~ordinances~~] ordinance; and

(b) may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.

(4) By ordinance, a municipality may:

(a) designate a separate appeal authority to hear requests for variances than the appeal authority the municipality designates to hear appeals;

(b) designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;

(c) require an adversely affected party to present to an appeal authority every theory of relief that the adversely affected party can raise in district court; and

[~~(d) not require a land use applicant or adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies; and~~]

[~~(e)~~] (d) provide that specified types of land use decisions may be appealed directly to the district court.

(5) A municipality may not:

(a) require a public hearing for a request for a variance or land use appeal[~~.~~] ; or

(b) require a land use applicant or adversely affected party to pursue successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies.

(6) If the municipality establishes or, before the effective date of this chapter, has established a multiperson board, body, or panel to act as an appeal authority, at a minimum the board, body, or panel shall:

(a) notify each of the members of the board, body, or panel of any meeting or hearing of the board, body, or panel;

(b) provide each of the members of the board, body, or panel with the same information and access to municipal resources as any other member;

(c) convene only if a quorum of the members of the board, body, or panel is present; and

(d) act only upon the vote of a majority of the convened members of the board, body, or panel.

Section 21. Section **10-20-1105** is repealed and reenacted to read:

10-20-1105 (Effective 05/06/26). Burden of proof.

In an appeal described in this part:

(1) if the appellant is a land use applicant, the appellant has the burden of proving that the

land use authority's land use decision is illegal or is not supported by substantial evidence; or

(2) if the appellant is an adversely affected party, the appellant has the burden of proving that the land use authority's land use decision is illegal, or that the factual findings are clearly erroneous.

Section 22. Section **10-20-1106** is amended to read:

10-20-1106 (Effective 05/06/26). Due process.

(1) [~~Each~~] An appeal authority shall conduct each appeal and variance request as provided in local ordinance.

(2) [~~Each~~] An appeal authority shall respect the due process rights of [~~each of the participants~~] an appeal participant.

(3) An appeal authority may only allow the following people to present or speak during an appeal hearing:

(a) the appellant or the appellant's representatives;

(b) the land use applicant or the land use applicant's representatives; and

(c) the municipality's representatives.

Section 23. Section **10-20-1107** is amended to read:

10-20-1107 (Effective 05/06/26). Scope of review of factual matters on appeal -- Appeal authority requirements.

(1) A municipality may, by ordinance, designate the scope of review of factual matters for appeals of land use authority decisions.

(2) If the municipality fails to designate a scope of review of factual matters, the appeal authority shall review the [~~matter~~] factual matters de novo, without deference to the land use authority's determination of the factual matters.

(3) If the scope of review of factual matters is on the record, the appeal authority shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.

(4) The appeal authority shall:

(a) determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and

(b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

(5)(a) An appeal authority's land use decision is a quasi-judicial act.

(b) [~~A~~] Except as provided in Subsection (5)(c), a legislative body may act as an appeal

authority unless both the legislative body and the appealing party agree to allow a third party to act as the appeal authority.

(c) Beginning on July 1, 2026, the legislative body of a city described in Subsection 10-20-302(5)(a)(i) may not act as an appeal authority unless:

(i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal; and

(ii) the appellant filed the appeal on or before June 30, 2026.

(6) Only a decision in which a land use authority has applied a land use regulation to a particular land use application, person, or parcel may be appealed to an appeal authority.

Section 24. Section **10-20-1109** is amended to read:

10-20-1109 (Effective 05/06/26). No district court review until administrative remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court review -- Record on review -- Staying of decision.

(1) [~~No~~] A person may challenge in district court a land use decision [~~until that~~] if the person has exhausted the person's administrative remedies as provided in this part, if applicable.

(2)(a) Subject to Subsection (1), a land use applicant or adversely affected party may file a petition for review of a land use decision with the district court within 30 days after the decision is final.

(b)(i) The time under Subsection (2)(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman under Section 13-43-204 until 30 days after:

(A) the arbitrator issues a final award; or

(B) the property rights ombudsman issues a written statement under Subsection 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

(ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.

(iii) A request for arbitration filed with the property rights ombudsman after the time under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

(3)(a) A court shall:

(i) presume that a land use regulation properly enacted under the authority of this chapter is valid; and

(ii) determine only whether:

(A) the land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and

(B) it is reasonably debatable that the land use regulation is consistent with this chapter.

(b) A court shall presume that a final land use decision of a land use authority or an appeal authority is valid unless the land use decision is:

(i) arbitrary and capricious; or

(ii) illegal.

(c)(i) A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record.

(ii) A land use decision is illegal if the land use decision:

(A) is based on an incorrect interpretation of a land use regulation;

(B) conflicts with the authority granted by this title; or

(C) is contrary to law.

(d)(i) A court may affirm or reverse a land use decision.

(ii) If the court reverses a land use decision, the court shall remand the matter to the land use authority with instructions to issue a land use decision consistent with the court's ruling.

(4) The provisions of Subsection (2)(a) apply from the date on which the municipality takes final action on a land use application, if the municipality conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice of the pending land use decision.

(5) If the municipality has complied with Section 10-20-205, a challenge to the enactment of a land use regulation[~~or~~] , general plan, or specified land use law may not be filed with the district court more than 30 days after the enactment.

(6) A challenge to a land use decision is barred unless the challenge is filed within 30 days after the land use decision is final.

(7)(a) The land use authority or appeal authority, as the case may be, shall transmit to the reviewing court the record of the proceedings of the land use authority or appeal authority, including the minutes, findings, orders, and, if available, a true and correct transcript of the proceedings.

(b) If the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this Subsection (7).

(8)(a)(i) If there is a record, the district court's review is limited to the record

provided by the land use authority or appeal authority, as the case may be.

(ii) The court may not accept or consider any evidence outside the record of the land use authority or appeal authority, as the case may be, unless that evidence was offered to the land use authority or appeal authority, respectively, and the court determines that the evidence was improperly excluded.

(b) If there is no record, the court may call witnesses and take evidence.

(9)(a) The filing of a petition does not stay the land use decision of the land use authority or appeal authority, as the case may be.

(b)(i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may petition the appeal authority to stay the appeal authority's land use decision.

(ii) Upon receipt of a petition to stay, the appeal authority may order the appeal authority's land use decision stayed pending district court review if the appeal authority finds the order to be in the best interest of the municipality.

(iii) After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an injunction staying the appeal authority's land use decision.

(10) If the court determines that a party initiated or pursued a challenge to a land use decision on a land use application in bad faith, the court may award attorney fees.

Section 25. Section **10-21-101** is amended to read:

10-21-101 (Effective 05/06/26). Definitions.

As used in this part:

(1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a single-family dwelling and contained on one lot or parcel.

(2) "Accessory structure" means a detached structure located on the same lot or parcel as a principal structure and is incidental and subordinate to the size and use of the principal structure.

(3) "Affordable housing" means housing offered for sale at 80% or less of the median county home price for housing of that type.

[~~(2)~~] (4) "Agency" means the same as that term is defined in Section 17C-1-102.

[~~(3)~~] (5) "Applicable metropolitan planning organization" means the metropolitan planning organization that has jurisdiction over the area in which a fixed guideway public transit station is located.

[~~(4)~~] (6) "Applicable public transit district" means the public transit district, as defined in Section 17B-2a-802, of which a fixed guideway public transit station is included.

[~~(5)~~] (7) "Base taxable value" means a property's taxable value as shown upon the assessment roll last equalized during the base year.

[~~(6)~~] (8) "Base year" means, for a proposed home ownership promotion zone area, a year beginning the first day of the calendar quarter determined by the last equalized tax roll before the adoption of the home ownership promotion zone.

(9) "Detached accessory dwelling unit" means an accessory dwelling unit that is not attached to or within a primary detached single-family dwelling and located on the same lot or parcel as the primary detached single-family dwelling.

[~~(7)~~] (10) "Division" means the Housing and Community Development Division within the Department of Workforce Services.

[~~(8)~~] (11) "Existing fixed guideway public transit station" means a fixed guideway public transit station for which construction begins before June 1, 2022.

[~~(9)~~] (12) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

[~~(10)~~] (13) "Home ownership promotion zone" means a home ownership promotion zone created in accordance with this part.

[~~(11)~~] (14) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection 10-21-201(4).

[~~(12)~~] (15) "Initial report" or "initial moderate income housing report" means the one-time report described in Subsection 10-21-202(1).

[~~(13)~~] (16) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(a) within a primary dwelling;

(b) within the footprint of the primary dwelling described in [~~Subsection (13)(a)~~] Subsection (16)(a) at the time the internal accessory dwelling unit is created; and

(c) for the purpose of offering a long-term rental of 30 consecutive days or longer.

[~~(14)~~] (17) "Moderate income housing strategy" means a strategy described in Subsection 10-21-201(3)(a)(iii).

[~~(15)~~] (18) "New fixed guideway public transit station" means a fixed guideway public transit station for which construction begins on or after June 1, 2022.

[~~(16)~~] (19) "Participant" means the same as that term is defined in Section 17C-1-102.

[~~(17)~~] (20) "Participation agreement" means the same as that term is defined in Section 17C-1-102.

[~~(18)~~] (21)(a) "Primary dwelling" means a single-family dwelling that:

(i) is detached; and

(ii) is occupied as the primary residence of the owner of record.

(b) "Primary dwelling" includes a garage if the garage:

(i) is a habitable space; and

(ii) is connected to the primary dwelling by a common wall.

[~~(19)~~] (22) "Project improvements" means the same as that term is defined in Section 11-36a-102.

[~~(20)~~] (23) "Qualifying land use petition" means a petition:

(a) that involves land located within a station area for an existing public transit station that provides rail services;

(b) that involves land located within a station area for which the municipality has not yet satisfied the requirements of Subsection 10-21-203(1)(a);

(c) that proposes the development of an area greater than five contiguous acres, with no less than 51% of the acreage within the station area;

(d) that would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;

(e) that would require a higher density than the density currently allowed by the municipality;

(f) that proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and

(g) for which the land use applicant requests the municipality to initiate the process of satisfying the requirements of Subsection 10-21-203(1)(a) for the station area in which the development is proposed, subject to Subsection 10-21-203(2)(d).

[~~(21)~~] (24) "Report" means an initial report or a subsequent progress report.

[~~(22)~~] (25) "Specified municipality" means:

(a) a city of the first, second, third, or fourth class; or

(b) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class.

[~~(23)~~] (26)(a) "Station area" means:

(i) for a fixed guideway public transit station that provides rail services, the area within a one-half mile radius of the center of the fixed guideway public transit station platform; or

(ii) for a fixed guideway public transit station that provides bus services only, the

area within a one-fourth mile radius of the center of the fixed guideway public transit station platform.

(b) "Station area" includes any parcel bisected by the radius limitation described in [~~Subsection (a)(i)~~] Subsection (26)(a)(i) or (ii).

[~~(24)~~] (27) "Station area plan" means a plan that:

(a) establishes a vision, and the actions needed to implement that vision, for the development of land within a station area; and

(b) is developed and adopted in accordance with this section.

[~~(25)~~] (28) "Subsequent progress report" means the annual report described in Subsection 10-21-202(2).

[~~(26)~~] (29) "System improvements" means the same as that term is defined in Section 11-36a-102.

[~~(27)~~] (30) "Tax commission" means the State Tax Commission created in Section 59-1-201.

[~~(28)~~] (31)(a) "Tax increment" means the difference between:

(i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a home ownership promotion zone, using the current assessed value and each taxing entity's current certified tax rate as defined in Section 59-2-924; and

(ii) the amount of property tax revenue that would be generated from that same area using the base taxable value and each taxing entity's current certified tax rate as defined in Section 59-2-924.

(b) "Tax increment" does not include property revenue from:

(i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2); or

(ii) a county additional property tax described in Subsection 59-2-1602(4).

[~~(29)~~] (32) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

Section 26. Section **10-21-304** is enacted to read:

10-21-304 (Effective 10/01/26). Detached accessory dwelling units.

(1)(a) A specified municipality shall adopt a land use regulation that permits a detached accessory dwelling unit on any lot or parcel that is 11,000 square feet or larger and contains a single-family dwelling, if the single-family dwelling is a permitted use on the lot or parcel.

(b) This section does not prohibit a municipality from adopting a land use regulation that permits a detached accessory dwelling unit on a lot or parcel that is smaller than

11,000 square feet.

(2) A land use regulation described in Subsection (1) shall:

(a) require that a detached accessory dwelling unit comply with all applicable building, health, and fire codes; and

(b) include a process for the owner of a legally constructed accessory structure to convert the accessory structure to a detached accessory dwelling unit subject to applicable:

(i) dwelling and accessory structure setback requirements; and

(ii) building, health, and fire codes.

(3) A land use regulation described in Subsection (1) may not:

(a) require a conditional use permit for a detached accessory dwelling unit if the proposed detached accessory dwelling unit is located in a primarily residential zone;

(b) require more than two on-site parking spaces assigned to a detached accessory dwelling unit that is 650 square feet or larger;

(c) require more than one on-site parking space assigned to a detached accessory dwelling unit that is smaller than 650 square feet; or

(d) include design standards for a detached accessory dwelling unit that conflict with Section 10-20-618.

(4) A land use regulation described in Subsection (1) may:

(a) require a detached accessory dwelling unit to:

(i) conform to applicable land use regulations that regulate structure size, dimension, height, and maximum lot coverage;

(ii) conform to setback requirements, that may take into account proximity to property lines and other structures, easements, window orientation, massing, or other elements; and

(iii) be designed consistent with the design of the single-family dwelling;

(b) prohibit a detached accessory dwelling unit from being:

(i) larger in size than the single-family dwelling located on the same lot or parcel;

(ii) located within a public utility easement or other recorded easement;

(iii) located in a front-yard area of a lot or parcel; or

(iv) rented for less than 90 consecutive days;

(c) require that the owner of a lot or parcel where a detached accessory dwelling unit is located reside in the detached single-family dwelling or detached accessory dwelling unit located on the lot or parcel;

(d) require that when a detached garage is converted to a detached accessory dwelling unit, any parking spaces required for the single-family dwelling that were located within the detached garage are replaced on-site;

(e) prohibit more than one accessory dwelling unit on a lot or parcel; and

(f) prohibit a detached accessory dwelling unit if:

(i) the detached accessory dwelling unit will not have adequate access to a required utility service that is a project improvement, including sanitary sewer, culinary water, electrical, or storm water; or

(ii) a utility service that is a system improvement, including sanitary sewer, culinary water, electrical, or storm water, to which the detached accessory dwelling unit is required to connect does not have sufficient capacity to support the addition of the detached accessory dwelling unit to the utility service system improvements.

(5) This section does not supersede:

(a) a land use regulation that regulates a detached accessory building that is not a detached accessory dwelling unit;

(b) prohibitions or restrictions on detached accessory dwelling units in a development agreement signed by a municipality on or before May 6, 2026; or

(c) a land use regulation or administrative action that:

(i) is not prohibited by law; and

(ii) relates to a detached accessory dwelling unit.

Section 27. Section **13-43-205** is amended to read:

13-43-205 (Effective 05/06/26). Advisory opinion.

(1) A local government, private entity, or a potentially aggrieved person may, in accordance with Section 13-43-206, request a written advisory opinion:

(a) from a neutral third party to determine compliance with:

(i) Sections 10-20-506, 10-20-507, 10-20-602, 10-20-604, 10-20-605, 10-20-902, 10-20-904, 10-20-905, 10-20-910, 10-20-911, 10-20-912, and 10-20-1003;

(ii) Sections 17-79-506, 17-79-507, 17-79-601, 17-79-602, 17-79-603, 17-79-803, 17-79-804, 17-79-805, 17-79-811, 17-79-812, 17-79-813, and 17-79-903; and

(iii) Title 11, Chapter 36a, Impact Fees Act; and

(b) at any time before:

(i) a final decision on a land use application by a local appeal authority under Title 11, Chapter 36a, Impact Fees Act, or Section 10-20-1108 or 17-79-1008;

(ii) the deadline for filing an appeal with the district court under Title 11, Chapter

36a, Impact Fees Act, or Section 10-20-1109 or 17-79-1009, if no local appeal authority is designated to hear the issue that is the subject of the request for an advisory opinion; or

(iii) the enactment of an impact fee, if the request for an advisory opinion is a request to review and comment on a proposed impact fee facilities plan or a proposed impact fee analysis as defined in Section 11-36a-102.

(2) A private property owner may, in accordance with Section 13-43-206, request a written advisory opinion from a neutral third party to determine if a condemning entity:

(a) is in occupancy of the owner's property;

(b) is occupying the property:

(i) for a public use authorized by law; and

(ii) without colorable legal or equitable authority; and

(c) continues to occupy the property without the owner's consent, the occupancy would constitute a taking of private property for a public use without just compensation.

(3) An advisory opinion issued under Subsection (2) may justify an award of attorney fees against a condemning entity in accordance with Section 13-43-206 only if the court finds that the condemning entity:

(a) does not have a colorable claim or defense for the entity's actions; and

(b) continued occupancy without payment of just compensation and in disregard of the advisory opinion.

Section 28. Section **17-79-102** is amended to read:

17-79-102 (Effective 05/06/26). Definitions.

As used in this chapter:

(1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

(2) "Adversely affected party" means a person other than a land use applicant who:

(a) owns real property adjoining the property that is the subject of a land use application or land use decision; or

(b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

(3) "Affected entity" means a county, municipality, special district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified property owner, property owner's association, public utility, or the Department

of Transportation, if:

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

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

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

(4) "Affected owner" means the owner of real property that is:

(a) a single project; and

(b) the subject of a land use approval that:

(i) sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(6); and

[~~(c)~~] (ii) is determined to be legally referable under Section 20A-7-602.8.

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

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

[~~(7) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.~~]

[~~(8)~~] (7)(a) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.

(b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

[~~(9)~~] (8)(a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common

boundary.

(b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

(9) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.

(10)(a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

(b) "Charter school" does not include a therapeutic school.

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

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

(13) "Constitutional taking" means a governmental action that results in a taking of private property [~~so that~~] where compensation to the property owner[~~ of the property~~] is required by the:

(a) Fifth or Fourteenth Amendment [~~of~~] to the Constitution of the United States; or

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

(14) "Conveyance document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.5.

(15) "Conveyance of property" means the transfer of ownership of any portion of real property from one person to another person.

(16) "County utility easement" means an easement that:

(a) a plat recorded in a county recorder's office described as a county utility easement or otherwise as a utility easement;

(b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;

(c) the county or the county's affiliated governmental entity owns or creates; and

(d)(i) either:

(A) no person uses or occupies; or

(B) the county or the county's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines; or

(ii) a person uses or occupies with or without an authorized franchise or other agreement with the county.

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

(18) "Department of Transportation" means the entity created in Section 72-1-201.

(19) "Development activity" means:

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

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

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

(20)(a) "Development agreement" means a written agreement or amendment to a written agreement between a county and one or more parties that regulates or controls the use or development of a specific area of land.

(b) "Development agreement" does not include an improvement completion assurance.

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

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

(22) "Document" means the same as that term is defined in Section 57-1-1.

(23) "Educational facility":

(a) means:

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

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection (23)(a)(i); and

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

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

(b) does not include:

(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

(A) not located on the same property as a building described in Subsection (23)(a)(i); and

(B) used in support of the purposes of a building described in Subsection (23)(a)(i); or

(ii) a therapeutic school.

(24) "Establishment document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.

[~~(25) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.~~]

[~~(26)~~] (25) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

[~~(27)~~] (26) "Flood plain" means land that:

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

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

plain designated by the Federal Emergency Management Agency.

(27) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.

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

(29) "General plan" means a document that a county adopts that sets forth general guidelines for proposed future development of:

(a) the unincorporated land within the county; or

(b) for a mountainous planning district, the land within the mountainous planning district.

(30) "Geologic hazard" means:

(a) a surface fault rupture;

(b) shallow groundwater;

(c) liquefaction;

(d) a landslide;

(e) a debris flow;

(f) unstable soil;

(g) a rock fall; or

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

(i) to life;

(ii) of substantial loss of real property; or

(iii) of substantial damage to real property.

(31) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.

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

(33)(a) "Identical plans" means floor plans submitted to a county that:

(i) are submitted within the same building code adoption cycle as floor plans that were previously approved by the county;

(ii) have no structural differences from floor plans that were previously approved by the county; and

(iii) describe a building that:

(A) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

(B) has a substantially identical floor plan to a floor plan previously approved by the county; and

(C) does not require any engineering or analysis beyond a review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the county or a review of the site plan and associated geotechnical reports for the site.

(b) "Identical plans" include floor plans that are oriented differently as the floor plan that was previously approved by the county.

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

(35) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a county to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

(a) recording a subdivision plat; or

(b) development of a commercial, industrial, mixed use, or multifamily project.

(36) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

(a) complies with the county's written standards for design, materials, and workmanship; and

(b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

(37) "Improvement warranty period" means a period:

(a) no later than one year after a county's acceptance of required public landscaping; or

(b) no later than one year after a county's acceptance of required infrastructure, unless the county:

(i) determines, based on accepted industry standards and for good cause, that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil.

(38) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

(a) is required for human consumption; and

(b) an applicant shall install:

(i) in accordance with published installation and inspection specifications for public improvements; and

(ii) as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) developing a commercial, industrial, mixed use, condominium, or multifamily project.

(39) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

(b)(i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

(ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

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

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

(42) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

(43) "Land use application":

(a) means an application that is:

(i) required by a county; and

(ii) submitted by a land use applicant to obtain a land use decision; and

(b) does not mean an application to enact, amend, or repeal a land use regulation.

(44) "Land use authority" means:

(a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or

(b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

(45) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

(a) a land use permit;

(b) a land use application; or

(c) the enforcement of a land use regulation, land use permit, or development agreement.

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

(47) "Land use regulation":

(a) means a legislative decision enacted by ordinance, law, code, map, resolution, engineering or development standard, specification for public improvement, fee, or rule that governs the use or development of land;

(b) includes the adoption or amendment of a zoning map or the text of the zoning code; and

(c) does not include:

(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or

(ii) a temporary revision to an engineering specification that does not materially:

(A) increase a land use applicant's cost of development compared to the existing specification; or

(B) impact a land use applicant's use of land.

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

(49) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

(50) "Major transit investment corridor" means public transit service that uses or occupies:

(a) public transit rail right-of-way;

(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or

(c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:

(i) a public transit district as defined in Section 17B-2a-802; or

(ii) an eligible political subdivision as defined in Section 59-12-2202.

(51) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.

(52) "Moderate income housing" means housing occupied or reserved for occupancy by

households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

(53) "Mountainous planning district" means an area designated by a county legislative body in accordance with Section 17-79-408.

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

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

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

(55) "Noncomplying structure" means a structure that:

(a) legally existed before the structure's current land use designation; and

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

(56) "Nonconforming use" means a use of land that:

(a) legally existed before the land's current land use designation;

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

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

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

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

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

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

(58) "Parcel" means any real property that is not a lot.

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

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

(a) an estimate of the existing supply of moderate income housing located within the

county;

(b) an estimate of the need for moderate income housing in the county for the next five years;

(c) a survey of total residential land use;

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

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

(61) "Planning advisory area" means a contiguous, geographically defined portion of the unincorporated area of a county established under this part with planning and zoning functions as exercised through the planning advisory area planning commission, as provided in this chapter, but with no legal or political identity separate from the county and no taxing authority.

(62) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 17-79-703 or 57-8-13.

(63) "Potential geologic hazard area" means an area that:

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

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

(64) "Property owner" means a person that holds legal title in real property.

[~~(64)~~] (65) "Public agency" means:

(a) the federal government;

(b) the state;

(c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or

(d) a charter school.

[~~(65)~~] (66) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

[~~(66)~~] (67) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

[~~(67)~~] (68) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

[~~(68)~~] (69) "Receiving zone" means an unincorporated area that a county designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

[~~(69)~~] (70) "Record of survey map" means a map of a survey of land prepared in accordance with Section 17-73-504.

[~~(70)~~] (71) "Residential facility for persons with a disability" means a residence:

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

(b) which is licensed or certified by the Department of Health and Human Services under:

(i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

(ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

[~~(71)~~] (72) "Residential roadway" means a public local residential road that:

(a) will serve primarily to provide access to adjacent primarily residential areas and property;

(b) is designed to accommodate minimal traffic volumes or vehicular traffic;

(c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;

(d) has a posted speed limit of 25 miles per hour or less;

(e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;

(f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and

(g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

[~~(72)~~] (73) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

[~~(73)~~] (74) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

[~~(74)~~] (75) "Sending zone" means an unincorporated area that a county designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

[~~(75)~~] (76) "Simple boundary adjustment" means a boundary adjustment that does not:

(a) affect a public right-of-way, county utility easement, or other public property;

(b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or

(c) result in a lot or parcel out of conformity with land use regulations.

[~~(76)~~] (77) "Site plan" means a document or map that may be required by a county during a preliminary review before the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.

[~~(77)~~] (78)(a) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts.

(b) "Special district" includes a governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

(79) "Specific land use law" means a requirement or restriction on the use of a specific parcel in a development agreement that a legislative body approves with the consent of an affected property owner.

[~~(78)~~] (80) "Specified public agency" means:

(a) the state;

(b) a school district; or

(c) a charter school.

[~~(79)~~] (81) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

[~~(80)~~] (82) "State" includes any department, division, or agency of the state.

[~~(81)~~] (83)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

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

of whether the division includes all or a portion of a parcel or lot; and

(ii) except as provided in Subsection [~~(81)(c)~~] (83)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

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

(ii) a recorded conveyance document:

(A) consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or

(B) joining a lot to a parcel;

(iii) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:

(A) an electrical transmission line or a substation;

(B) a natural gas pipeline or a regulation station; or

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

(iv) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:

(A) is in anticipation of future land use approvals on the parcel or parcels;

(B) does not confer any land use approvals; and

(C) has not been approved by the land use authority;

(v) a boundary adjustment;

(vi) a boundary establishment;

(vii) a road, street, or highway dedication plat;

(viii) a deed or easement for a road, street, or highway purpose; or

(ix) any other division of land authorized by law.

[~~(82)~~] (84)(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 17-79-711 that:

(i) vacates all or a portion of the subdivision;

(ii) increases the number of lots within the subdivision;

(iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or

(iv) alters a common area or other common amenity within the subdivision.

(b) "Subdivision amendment" does not include a simple boundary adjustment.

[~~(83)~~] (85) "Substantial evidence" means evidence that:

(a) is beyond a scintilla; and

(b) a reasonable mind would accept as adequate to support a conclusion.

[~~(84)~~] (86) "Suspect soil" means soil that has:

(a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;

(b) bedrock units with high shrink or swell susceptibility; or

(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

[~~(85)~~] (87) "Therapeutic school" means a residential group living facility:

(a) for four or more individuals who are not related to:

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

(b) that serves students who have a history of failing to function:

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

(B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

[~~(86)~~] (88) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a [~~land~~] property owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

[~~(87)~~] (89) "Unincorporated" means the area outside of the incorporated area of a municipality.

[~~(88)~~] (90) "Water interest" means any right to the beneficial use of water, including:

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

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

(i) a contract; or

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

[~~(89)~~] (91) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 29. Section **17-79-205** is amended to read:

17-79-205 (Effective 05/06/26). Notice of public hearings and public meetings on adoption or modification of land use regulation.

(1) Each county shall give:

(a) notice of the date, time, and place of the first public hearing to consider the adoption or modification of a land use regulation; and

(b) notice of each public meeting on the subject.

(2) Each notice of a public hearing under Subsection (1)(a) shall be:

(a) mailed to each affected entity at least 10 calendar days before the public hearing; and

(b)(i) provided for the area affected by the land use ordinance changes, as a class B notice under Section 63G-30-102, for at least 10 calendar days before the day of the public hearing; or

(ii) if the proposed land use ordinance adoption or modification is ministerial in nature, as described in Subsections (6)(a) and (b), provided as a class A notice under Section 63G-30-102 for at least 10 calendar days before the day of the public hearing.

(3) In addition to the notice requirements described in Subsections (1) and (2), for any proposed modification to the text of a zoning code, the notice posted in accordance with Subsection (2) shall:

(a) include:

(i) a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; or

(ii) a direct link to the county's webpage where a person can find a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; and

(b) be provided to any person upon written request.

(4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the hearing and shall be published for the county, as a class A notice under Section 63G-30-102, for at least 24 hours.

(5)(a) A county shall send a courtesy notice to each owner of private real property

whose property is located entirely or partially within the proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing.

(b) The notice shall:

(i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;

(ii) state the current zone in which the real property is located;

(iii) state the proposed new zone for the real property;

(iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;

(v) state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;

(vi) state the address where the property owner should file the protest;

(vii) notify the property owner that each written objection filed with the county will be provided to the county legislative body; and

(viii) state the location, date, and time of the public hearing described in Section 17-79-502.

(c) If a county mails notice to a property owner under Subsection (2)(b)(i) for a public hearing on a zoning map or map amendment, the notice required in this Subsection (5) may be included in or part of the notice described in Subsection (2)(b)(i) rather than sent separately.

(6)(a) [~~A~~] For purposes of the notice requirements in Subsection (2)(b) only, a proposed land use ordinance is ministerial in nature if the proposed land use ordinance change is to:

(i) bring the county's land use ordinances into compliance with a state or federal law;

(ii) adopt a county land use update that affects:

(A) an entire zoning district; or

(B) multiple zoning districts;

(iii) adopt a non-substantive, clerical text amendment to an existing land use ordinance;

(iv) recodify the county's existing land use ordinances; or

(v) designate or define an affected area for purposes of a boundary adjustment or

annexation.

(b) A proposed land use ordinance may include more than one of the purposes described in Subsection (6)(a) and remain ministerial in nature.

(c) If a proposed land use ordinance includes an adoption or modification not described in Subsection (6)(a):

(i) the proposed land use ordinance is not ministerial in nature, even if the proposed land use ordinance also includes a change or modification described in Subsection (6)(a); and

(ii) the notice requirements of Subsection (2)(b)(i) apply.

Section 30. Section **17-79-301** is amended to read:

17-79-301 (Effective 05/06/26). Ordinance establishing planning commission required -- Exception -- Ordinance requirements -- Planning advisory area planning commission -- Compensation.

(1)(a) Except as provided in Subsection (1)(b), each county shall enact an ordinance establishing a countywide planning commission for the unincorporated areas of the county not within a planning advisory area.

(b) Subsection (1)(a) does not apply if all of the county is included within any combination of:

(i) municipalities;

(ii) planning advisory areas each with a separate planning commission; and

(iii) mountainous planning districts.

(c)(i) Notwithstanding Subsection (1)(a), a county that designates a mountainous planning district shall enact an ordinance, subject to Subsection (1)(c)(ii), establishing a planning commission that has jurisdiction over the entire mountainous planning district.

(ii) A planning commission described in Subsection (1)(c)(i) has jurisdiction subject to a local health department exercising the local health department's authority in accordance with Title 26A, Chapter 1, Local Health Departments, and a municipality exercising the municipality's authority in accordance with Section 10-8-15.

(iii) The ordinance shall require that members of the planning commission be appointed by the county executive with the advice and consent of the county legislative body.

(2)(a) Notwithstanding Subsection (1)(b), the county legislative body of a county of the

first or second class that includes more than one planning advisory area each with a separate planning commission may enact an ordinance that:

(i) dissolves each planning commission within the county; and

(ii) establishes a countywide planning commission that has jurisdiction over:

(A) each planning advisory area within the county; and

(B) the unincorporated areas of the county not within a planning advisory area.

(b) A countywide planning commission established under Subsection (2)(a) shall assume the duties of each dissolved planning commission.

(3)(a) The ordinance described in Subsection (1)(a), (1)(c), or (2)(a) shall[~~, define~~]:

(i) include the number and terms of the planning commission members and, if the county chooses, alternate members;

(ii) [~~the mode of appointment~~] provide procedures for appointing a planning commission member;

(iii) [~~the~~] provide procedures for filling vacancies on the planning commission;

(iv) [~~, and removal from office~~] provide procedures for removing a planning commission member from the planning commission;

(v) except as provided in Subsection (3)(a)(vi), describe the causes for which a planning commission member may be removed from the planning commission, which shall include:

(A) using public funds for a political purpose under Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;

(B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

(C) acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the planning commission member's administrative or quasi-judicial duties;

(vi) provide that a planning commission member deliberating about a specific pending land use application in a planning commission meeting with municipal staff, an elected official, or the land use applicant is not cause for removing a planning commission member from the planning commission;

(vii) provide requirements for when a planning commission member shall recuse oneself from deliberating or voting on certain land use applications;

[~~(iv)~~] (viii) define the authority of the planning commission;

[~~(v)~~] (ix) subject to Subsection (3)(b), [~~the~~] include rules of order and procedure for use by the planning commission in a public meeting; and

[~~(vi)~~] (x) include other details relating to the organization and procedures of the planning commission.

(b) Subsection [~~(3)(a)(v)~~] (3)(a)(ix) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(4)(a)(i) If the county establishes a planning advisory area planning commission, the county legislative body shall enact an ordinance that defines:

(A) appointment procedures;

(B) procedures for filling vacancies and removing members from office;

(C) subject to Subsection (4)(a)(ii), the rules of order and procedure for use by the planning advisory area planning commission in a public meeting; and

(D) details relating to the organization and procedures of each planning advisory area planning commission.

(ii) Subsection (4)(a)(i)(C) does not affect the planning advisory area planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(b) The planning commission for each planning advisory area shall consist of seven members who shall be appointed by:

(i) in a county operating under a form of government in which the executive and legislative functions of the governing body are separated, the county executive with the advice and consent of the county legislative body; or

(ii) in a county operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body.

(c)(i) Members shall serve four-year terms and until their successors are appointed and qualified.

(ii) Notwithstanding the provisions of Subsection (4)(c)(i), members of the first planning commissions shall be appointed so that, for each commission, the terms of at least one member and no more than two members expire each year.

(d)(i) Each member of a planning advisory area planning commission shall be a registered voter residing within the planning advisory area.

(ii) Subsection (4)(d)(i) does not apply to a member described in Subsection (5)(a) if that member was, before May 12, 2015, authorized to reside outside of the

planning advisory area.

(5)(a) A member of a planning commission who was elected to and served on a planning commission on May 12, 2015, shall serve out the term to which the member was elected.

(b) Upon the expiration of an elected term described in Subsection (5)(a), the vacant seat shall be filled by appointment in accordance with this section.

(6) Upon the appointment of all members of a planning advisory area planning commission, each planning advisory area planning commission under this section shall begin to exercise the powers and perform the duties provided in Section 17-79-302 with respect to all matters then pending that previously had been under the jurisdiction of the countywide planning commission or planning advisory area planning and zoning board.

(7) The legislative body may authorize a member of a planning commission to receive per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.

Section 31. Section **17-79-302** is amended to read:

17-79-302 (Effective 05/06/26). Planning commission powers and duties -- Training requirements.

(1) Each countywide, planning advisory area, or mountainous planning district planning commission shall, with respect to the unincorporated area of the county, the planning advisory area, or the mountainous planning district, review and make a recommendation to the county legislative body for:

(a) a general plan and amendments to the general plan;

(b) land use regulations, including:

(i) ordinances regarding the subdivision of land within the county; and

(ii) amendments to existing land use regulations;

(c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;

(d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and

(e) application processes that:

(i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and

(ii) shall protect the right of each:

(A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority; and

(B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate appeal authority[~~; and~~] .

[~~(C) participant to be heard in each public hearing on a contested application.~~]

(2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 17-79-404.

(3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.

[~~(4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.~~]

[~~(5)~~] (4) Nothing in this section limits the right of a county to initiate or propose the actions described in this section.

[~~(6)~~] (5)(a)(i) This Subsection [~~(6)~~] (5) applies to a county that:

(A) is a county of the first, second, or third class; and

(B) has a population in the county's unincorporated areas of 5,000 or more.

(ii) The population for each county described in Subsection [~~(6)(a)(i)~~] (5)(a)(i) shall be derived from:

(A) an estimate of the Utah Population Committee created in Section 63C-20-103; or

(B) if the Utah Population Committee estimate is not available, the most recent official census or census estimate of the United States [~~Bureau of the~~]Census Bureau.

(b) A county described in Subsection [~~(6)(a)(i)~~] (5)(a)(i) shall ensure that each member of the county's planning commission completes four hours of annual land use training as follows:

(i) one hour of annual training on general powers and duties, including the role of the planning commission in administrative, legislative, and quasi-judicial functions under [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] this chapter; and

(ii) three hours of annual training on a combination of land use and ethics, which may include:

(A) appeals and variances;

(B) conditional use permits;

(C) exactions;

(D) impact fees;

(E) vested rights;

(F) subdivision regulations and improvement guarantees;

(G) land use referenda;

(H) property rights;

(I) real estate procedures and financing;

(J) zoning, including use-based and form-based;[~~and~~]

(K) drafting ordinances and code that complies with statute[~~.~~] ;

(L) ex parte communication; and

(M) conflict of interest.

(c) A newly appointed planning commission member may not participate in a public meeting as an appointed member until the member completes the training described in Subsection [~~(6)(b)(i)~~] (5)(b)(i).

(d) A planning commission member may qualify for one completed hour of training required under Subsection [~~(6)(b)(ii)~~] (5)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year.

(e) A county shall provide the training described in Subsection [~~(6)(b)~~] (5)(b) through:

(i) county staff;

(ii) the Utah Association of Counties; or

(iii) a list of training courses selected by:

(A) the Utah Association of Counties; or

(B) the Division of Real Estate created in Section 61-2-201.

(f) A county shall, for each planning commission member:

(i) monitor compliance with the training requirements in Subsection [~~(6)(b)~~] (5)(b); and

(ii) maintain a record of training completion at the end of each calendar year.

Section 32. Section **17-79-501** is amended to read:

17-79-501 (Effective 05/06/26). Enactment of land use regulation.

(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.

(2)(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use regulation only by ordinance.

(b) A legislative body may, by ordinance or resolution, enact a land use regulation that imposes a fee.

(3) A land use regulation shall be consistent with the purposes [~~set forth in~~] of this chapter.

(4)(a) A legislative body shall adopt a land use regulation to:

(i) create or amend a zoning district under Subsection 17-79-503(1)(a); and

(ii) designate general uses allowed in each zoning district.

(b) A land use authority may establish or modify other restrictions or requirements other than those described in Subsection (4)(a), including the configuration or modification of uses or density, through a land use decision that applies criteria or policy elements that a land use regulation establishes or describes.

(5)(a) A county shall publish on the county's website:

(i) all of the county's land use regulations; and

(ii) a fee schedule that lists all of the county's fees related to a land use application, land use permit, or land use regulation, including development review fees and impact fees.

(b) A county may comply with Subsection (5)(a) by:

(i) posting a link on the county's website to a separate webpage or third-party website where the land use regulations or fee schedule described in Subsection (5)(a) are posted; and

(ii) submitting a new or modified land use regulation or fee schedule described in Subsection (5)(a) to the third-party website within six months after the day on which the legislative body adopts the new or modified land use regulation or fee schedule.

[~~(5)~~] (6) A county may not adopt a land use regulation[~~,~~] or development agreement, or make a land use decision that restricts the type of crop that may be grown in an area that is:

(a) zoned agricultural; or

(b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

[~~(6)~~] (7) A county land use regulation pertaining to an airport or an airport influence area, as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport Zoning Act.

Section 33. Section **17-79-502** is amended to read:

17-79-502 (Effective 05/06/26). Preparation and adoption of land use regulation.

(1) A planning commission shall:

(a) provide notice as required by Subsection 17-79-205(1)(a) and, if applicable, Subsection 17-79-205(4);

(b) hold a public hearing on a proposed land use regulation;

(c) if applicable, consider each written objection filed in accordance with Subsection 17-79-205(4) before the public hearing; and

(d)(i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within:

(A) all or any part of the unincorporated area of the county; or

(B) for a mountainous planning district, all or any part of the area in the mountainous planning district; and

(ii) forward to the legislative body all objections filed in accordance with Subsection 17-79-205(4).

(2)(a) The legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.

(b) After providing notice as required by Subsection 17-79-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed land use regulation described in Subsection (2)(a):

(i) as proposed by the planning commission; or

(ii) after making any revision the legislative body considers appropriate.

[~~(c) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.~~]

(c) Beginning on September 15, 2026, a legislative body may adopt or reject a proposed land use regulation without waiting for a recommendation from the planning commission if:

(i) a land use applicant makes a request described in Subsection 17-79-805(2)(b); or

(ii) a legislative body determines that a planning commission has had adequate time to consider the land use regulation.

Section 34. Section **17-79-507** is amended to read:

17-79-507 (Effective 05/06/26). Classification of new and unlisted business uses.

(1) As used in this section:

(a) "Classification request" means a request to determine whether a proposed business use aligns with an existing land use specified in a county's land use ordinances.

(b) "New or unlisted business use" means a business activity that does not align with an existing land use specified in a county's land use ordinances.

(2)(a) Each county shall incorporate into the county's land use ordinances a process for reviewing and approving a new or unlisted business use and designating an appropriate zone or zones for an approved use.

(b) The process described in Subsection (2)(a) shall:

(i) detail how an applicant may submit a classification request;

(ii) establish a procedure for the county to review a classification request, including:

(A) providing a land use authority with criteria to determine whether a proposed use aligns with an existing use;[~~and~~]

(B) allowing an applicant to proceed under the regulations of an existing use if a land use authority determines a proposed use aligns with that existing use; and

(C) providing the applicant an opportunity to appeal a land use authority's decision to the land use appeal authority;

(iii) provide that if a use is determined to be a new or unlisted business use:

(A) the applicant shall submit to the legislative body for review an application [~~for approval of the new or unlisted business use to the legislative body for review~~] requesting that the legislative body adopt a land use ordinance that permits the new or unlisted business as a permitted or conditional use;

(B) notwithstanding Subsection 17-79-503(2) or (3), the legislative body shall consider and [~~determine whether to~~]approve or deny [~~the new or unlisted business use~~] the application described in Subsection (2)(b)(iii)(A); and

(C) the legislative body shall approve or deny [~~the new or unlisted business use~~] the application described in Subsection (2)(b)(iii)(A), within a time frame the legislative body establishes by ordinance, if the applicant responds to requests for additional information within a time frame established by the county and appears at required hearings;

(iv) provide that if the legislative body approves [~~a proposed new or unlisted business use~~] the application described in Subsection (2)(b)(iii)(A), the legislative body shall designate an appropriate zone or zones for the approved use; and

(v) provide that if the legislative body denies [~~a proposed new or unlisted business use~~] the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees with a land use authority's classification of the proposed use, the legislative body shall:

(A) notify the applicant in writing of each reason for the classification or denial; and

(B) [~~offer the applicant an opportunity to challenge the classification or denial through an administrative appeal process established by the county~~] notify the applicant of the process for appealing the legislative body's decision in accordance with Section 17-79-1009.

(c) A county may not require an applicant who submits an application described in Subsection (2)(b)(iii)(A) to submit the application to the planning commission for consideration, review, or approval.

(3) Each county shall amend each land use ordinance that contains a list of approved or prohibited business uses to include a reference to the process for petitioning to approve a new or unlisted business use, as described in Subsection (2).

Section 35. Section **17-79-621** is enacted to read:

17-79-621 (Effective 05/06/26). Structure height.

(1) A county may regulate:

(a) the number of habitable stories that a structure may contain; and

(b) the overall height of a structure.

(2) If a land use authority approved a land use application for a commercial lodging structure on or before September 1, 2025, and the land use application is subject to land use regulations described in Subsection (1) that conflict, the land use authority may not limit the number of above-ground habitable stories the land use applicant builds within the maximum overall height that the land use authority approved for the structure.

Section 36. Section **17-79-706** is amended to read:

17-79-706 (Effective 05/06/26). Review of subdivision applications and subdivision improvement plans.

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

(i) the applicant's submittal of a complete subdivision application;

(ii) the county's review of that subdivision application;

(iii) the county's response to that subdivision application, in accordance with this section; and

(iv) the applicant's reply to the county's response that addresses each of the county's required modifications or requests for additional information.

(b) "Subdivision application" means a land use application for the subdivision of land

located within the unincorporated area of a county.

(c) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure improvements and county-controlled utilities required for a subdivision.

(d) "Subdivision ordinance review" means review by a county to verify that a subdivision application meets the criteria of the county's ordinances.

(e) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with county ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

(2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

(3)(a) A county may require a subdivision improvement plan to be submitted with a subdivision application.

(b) A county may not require a subdivision improvement plan to be submitted with both a preliminary subdivision application and a final subdivision application.

(4)(a) The review cycle requirements of this section apply:

(i) to the review of a preliminary subdivision application, if the county requires a subdivision improvement plan to be submitted with a preliminary subdivision application; or

(ii) to the review of a final subdivision application, if the county requires a subdivision improvement plan to be submitted with a final subdivision application.

(b) A county may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a county controlled utility.

(5)(a) A county shall complete the initial review of a complete subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

(i) no later than 15 business days after the complete subdivision application is submitted, if the county has a population over 5,000; or

(ii) no later than 30 business days after the complete subdivision application is submitted, if the county has a population of 5,000 or less.

(b) A county shall maintain and publish a list of the items comprising the complete subdivision application, including:

(i) the application;

(ii) the owner's affidavit;

(iii) an electronic copy of all plans in PDF format;

(iv) the preliminary subdivision plat drawings; and

(v) a breakdown of fees due upon approval of the application.

(6) A county shall publish a list of the items that comprise a complete subdivision land use application.

(7) A county shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

(a) within 20 business days after the complete subdivision application is submitted, if the county has a population over 5,000; or

(b) within 40 business days after the complete subdivision application is submitted, if the county has a population of 5,000 or less.

(8)(a) In reviewing a subdivision application, a county may require:

(i) additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards, or specifications or do not contain complete information.

(b) A county's request for additional information or modifications to plans under Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.

(c) A county may not require more than four review cycles for a subdivision improvement plan review.

(d)(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a county's subdivision improvement plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a subdivision improvement plan, the

county has the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.

(e)(i) This Subsection (8) applies if an applicant does not submit a revised subdivision improvement plan within:

(A) 20 business days after the county requires a modification or correction, if the county has a population over 5,000; or

(B) 40 business days after the county requires a modification or correction, if the county has a population of 5,000 or less.

(ii) If an applicant does not submit a revised subdivision improvement plan within the time specified in Subsection (8)(e)(i), a county has an additional 20 business days after the time specified in Subsection (7) to respond to a revised subdivision improvement plan.

(9) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the county's previous review cycle, the county may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(10)(a) In addition to revised plans, an applicant shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(11)[~~(a)~~] If, on the fourth or final review, a county fails to respond within 20 business days, the county shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

[~~(i)~~] (a) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection [~~17-79-812(5)(d)~~] 17-79-812(4)(d) to review and approve or deny the final revised set of plans; or

[~~(ii)~~] (b) for a dispute arising from the subdivision ordinance review, advise the

applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Section 37. Section **17-79-707** is amended to read:

17-79-707 (Effective 05/06/26). Subdivision plat recording or development activity before required infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

(1) As used in this section:

(a) "Private landscaping plan" means a proposal:

(i) to install landscaping on a lot owned by a private individual or entity; and

(ii) submitted to a county by the private individual or entity, or on behalf of a private individual or entity, that owns the lot.

(b) "Public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

(i) will be dedicated to and maintained by the county; or

(ii) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

(2) A land use authority shall establish objective inspection standards for acceptance of a required public landscaping improvement or infrastructure improvement.

(3)(a) Except as provided in Subsection (3)(d) or (3)(e), before an applicant conducts any development activity or records a plat, the applicant shall:

(i) complete any required public landscaping improvements or infrastructure improvements; or

(ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.

(b) If an applicant elects to post an improvement completion assurance, the applicant shall, in accordance with Subsection (5), provide completion assurance for:

(i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or

(ii) if the county has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.

(c) A county shall:

(i) establish a minimum of two acceptable forms of completion assurance;

(ii)(A) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this chapter and any local ordinances; and

(B) beginning on May 7, 2025, if a county accepts cash deposits as a form of completion assurance and an applicant elects to post a new cash deposit as a form of completion assurance, place the cash deposit in an interest-bearing account upon receipt and return any earned interest to the applicant with the return of the completion assurance according to the conditions of this chapter and any local ordinances;

(iii) establish a system for the partial release of an improvement completion assurance as portions of required public landscaping improvements or infrastructure improvements are completed and accepted in accordance with local ordinance; and

(iv) issue or deny a building permit in accordance with Section 17-79-901 based on the installation of public landscaping improvements or infrastructure improvements.

(d) A county may not require an applicant to post an improvement completion assurance for:

(i) public landscaping improvements or infrastructure improvements that the county has previously inspected and accepted;

(ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;

(iii) in a county where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the county requires to be private;

(iv) landscaping improvements that are not public landscaping improvements, unless the landscaping improvements and completion assurance are required under the terms of a development agreement;

(v) a private landscaping plan;

(vi) landscaping improvements or infrastructure improvements that an applicant elects to install at the applicant's own risk:

(A) before the plat is recorded;

(B) pursuant to inspections required by the county for the infrastructure improvement; and

(C) pursuant to final civil engineering plan approval by the county; or

(vii) any individual public landscaping improvement or individual infrastructure improvement when the individual public landscaping improvement or individual infrastructure improvement is also included as part of a separate improvement completion assurance.

(e)(i) A county may not:

(A) prohibit an applicant from installing a public landscaping improvement or an infrastructure improvement when the [~~municipality~~] county has approved final civil engineering plans for the development activity or plat for which the public landscaping improvement or infrastructure improvement is required; or

(B) require an applicant to sign an agreement, release, or other document inconsistent with this chapter as a condition of posting an improvement completion assurance, security for an improvement warranty, or receiving a building permit.

(ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and infrastructure improvements that are installed by an applicant are subject to inspection by the county in accordance with the county's adopted inspection standards.

(f)(i) Each improvement completion assurance and improvement warranty posted by an applicant with a county shall be independent of any other improvement completion assurance or improvement warranty posted by the same applicant with the county.

(ii) Subject to Section 17-79-805, if an applicant has posted a form of security with a county for more than one infrastructure improvement or public landscaping improvement, the county may not withhold acceptance of an applicant's required subdivision improvements, public landscaping improvement, infrastructure improvements, or the performance of warranty work for the same applicant's failure to complete a separate subdivision improvement, public landscaping improvement, infrastructure improvement, or warranty work under a separate improvement completion assurance or improvement warranty.

(4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or other entitlement benefit not currently available under the existing zone, a county

may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.

(b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the county shall be memorialized in a development agreement.

(c) A county may not require a completion assurance bond for or dictate who installs or is responsible for the cost of the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.

(5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:

(a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and

(b) 10% of the amount of the bond to cover administrative costs incurred by the county to complete the improvements, if necessary.

(6)(a) Upon an applicant's written request that the land use authority accept or reject the applicant's installation of required subdivision improvements or performance of warranty work as set forth in Section 17-79-805, and for the duration of each improvement warranty period, the land use authority may require the applicant to:

(i) execute an improvement warranty for the improvement warranty period; and

(ii) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:

(A) county engineer's original estimated cost of completion; or

(B) applicant's reasonable proven cost of completion.

(b) A county may not require the payment of the deposit of the improvement warranty assurance described in Subsection (6)(a) for an infrastructure improvement or public landscaping improvement before the applicant indicates through written request that the applicant has completed the infrastructure improvement or public landscaping improvement.

(7) When a county accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii)(A), the county may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the

building code and fire code.

(8) A county may not require the submission of a private landscaping plan as part of an application for a building permit.

(9) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the [~~state construction code~~] State Construction Code.

Section 38. Section **17-79-803** is amended to read:

17-79-803 (Effective 05/06/26). Applicant's entitlement to land use application approval -- Application relating to land in a high priority transportation corridor -- County's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1)(a)(i) Subject to Subsection [~~(7)~~] (8), an applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the submitted application.

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The county shall process an application without regard to proceedings the county initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the county initiated the proceedings; and

(ii)(A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

(B) during the 12 months before the county processing the application or multiple applications of the same type, the application is impaired or prohibited under the terms of a temporary land use regulation adopted under Section 17-79-504.

(c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

(d) Unless a phasing sequence is required in an executed development agreement, a county shall, without regard to any other separate and distinct land use application, accept and process a complete land use application in accordance with this chapter.

(e) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(f) Subject to Subsection [~~(7)~~] (8), a county may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a county ordinance in effect on the date that the applicant submits a complete application, subject to Subsection (1)(a)(ii); or

(iii) a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

(g) A county may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

(i) in a land use permit;

(ii) on the subdivision plat;

(iii) in a document on which the land use permit or subdivision plat is based;

(iv) in the written record evidencing approval of the land use permit or subdivision plat;

(v) in this chapter;

(vi) in a county ordinance; or

(vii) in a county specification for residential roadways in effect at the time a residential subdivision was approved.

(h) Except as provided in Subsection (1)(i) or (j), a county may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit

or subdivision plat is based, or the written record evidencing approval of the building permit or subdivision plat; or

(ii) in this chapter or the county's ordinances.

(i) A county may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable local ordinance.

(j) A county may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the county that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

(k) A county:

(i) may require the submission of a private landscaping plan, as defined in Section 17-79-707, before landscaping is installed; and

(ii) may not withhold an applicant's building permit or certificate of occupancy because the applicant has not submitted a private landscaping plan.

(2) A county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) Beginning on October 1, 2026, a county shall publish on the county's website an application checklist for each land use application type that includes a checklist of all required plans and documents that make a complete application.

[~~(3)~~] (4) A county may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

[~~(4)~~] (5) Subject to Subsection [~~(7)~~] (8), a specified public agency's submission of a development plan and schedule as required in Subsection 17-79-305(8) that complies

with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

[~~(5)~~] (6)(a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(4).

(b) Upon delivery of a written notice described in Subsection [~~(5)(a)~~] (6)(a) the following are rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

[~~(6)~~] (7)(a) After issuance of a building permit, a county may not:

(i) change or add to the requirements expressed in the building permit, unless the change or addition is:

(A) requested by the building permit holder; or

(B) necessary to comply with an applicable state building code; or

(ii) revoke the building permit or take action that has the effect of revoking the building permit.

(b) Subsection [~~(6)(a)~~] (7)(a) does not prevent a county from issuing a building permit that contains an expiration date defined in the building permit.

[~~(7)~~] (8) A county shall comply with the provisions of this chapter regarding all pending land use applications and new land use applications submitted under this chapter.

Section 39. Section **17-79-811** is amended to read:

17-79-811 (Effective 05/06/26). Provisions applicable to a provider of culinary or secondary water.

A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the following provisions the same as if the provider were a county:

(1) Subsections 17-79-804(5) and (6);

(2) Section 17-79-805;[~~and~~]

(3) Section 17-79-812; and

(4) Section 17-79-813.

Section 40. Section **17-79-812** is amended to read:

17-79-812 (Effective 05/06/26). Exactions -- Requirement to offer to original owner property acquired by exaction -- Exaction for right-of-way improvements -- Improvement completion assurance requirements.

(1) A county may impose an exaction or exactions on development proposed in a land use application, including, subject to [~~Subsection (3)~~] Section 17-79-813, an exaction for a water interest, if:

(a) an essential link exists between a legitimate governmental interest and each exaction; and

(b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

(2) If a land use authority imposes an exaction for another governmental entity:

(a) the governmental entity shall request the exaction; and

(b) the land use authority shall transfer the exaction to the governmental entity for which it was exacted.

[~~(3)(a)(i) Subject to the requirements of this Subsection (3), a county or, if applicable, the county's culinary water authority shall base any exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.~~]

[~~(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base an exaction for a culinary water interest on:~~]

[~~(A) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water in accordance with Section 19-4-114; and~~]

[~~(B) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the county.~~]

[~~(iii) A county or culinary water authority may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the county's or culinary water authority's sole discretion, determines there is good cause to do so.~~]

[~~(iv) A county shall make public the methodology used to comply with Subsection (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an exaction calculation used by the county or the county's culinary water authority under Subsection (3)(a)(ii). A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the county's governing body shall respond with due process.~~]

[~~(v) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on which an exaction for a water interest is based.~~]

[~~(b) A county or the county's culinary water authority may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).~~]

[~~(4)~~] (3)(a) If a county plans to dispose of surplus real property under Section 17-78-103 that was acquired under this section and has been owned by the county for less than 15 years, the county shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the county.

(b) A person to whom a county offers to reconvey property under Subsection [~~(4)(a)~~] (3)(a) has 90 days to accept or reject the county's offer.

(c) If a person to whom a county offers to reconvey property declines the offer, the county may offer the property for sale.

(d) Subsection [~~(4)(a)~~] (3)(a) does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.

[~~(5)~~] (4)(a) A county may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.

(b) Subsection [~~(5)(a)~~] (4)(a) does not apply if a county requires the installation of pavement in excess of 32 feet:

(i) in a vehicle turnaround area;

(ii) in a cul-de-sac;

(iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;

(iv) to address an applicable general or master plan improvement, including transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area;

(v) to address traffic flow constraints for service to or abutting higher density developments or uses that generate higher traffic volumes, including community centers, schools, and other similar uses;

(vi) as needed for the installation or location of a utility which is maintained by the county and is considered a transmission line or requires additional roadway width;

(vii) for third-party utility lines that have an easement preventing the installation of utilities maintained by the county within the roadway;

(viii) for utilities over 12 feet in depth;

(ix) for roadways with a design speed that exceeds 25 miles per hour;

(x) as needed for flood and stormwater routing;

(xi) as needed to meet fire code requirements for parking and hydrants; or

(xii) as needed to accommodate street parking.

(c) Nothing in this section shall be construed to prevent a county from approving a road cross section with a pavement width less than 32 feet.

(d)(i) A land use applicant may appeal a municipal requirement for pavement in excess of 32 feet on a residential roadway.

(ii) A land use applicant that has appealed a municipal specification for a residential roadway pavement width in excess of 32 feet may request that the county assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.

(iii) Unless otherwise agreed by the applicant and the county, the panel described in Subsection [~~(5)(d)(ii)~~] (4)(d)(ii) shall consist of the following three experts:

(A) one licensed engineer, designated by the county;

(B) one licensed engineer, designated by the land use applicant; and

(C) one licensed engineer, agreed upon and designated by the two designated engineers under Subsections [~~(5)(d)(iii)(A)~~] (4)(d)(iii)(A) and (B).

(iv) A member of the panel assembled by the county under Subsection [~~(5)(d)(ii)~~] (4)(d)(ii) may not have an interest in the application that is the subject of the appeal.

(v) The land use applicant shall pay:

(A) 50% of the cost of the panel; and

(B) the county's published appeal fee.

(vi) The decision of the panel is a final decision, subject to a petition for review under Subsection [~~(5)(d)(vii)~~] (4)(d)(vii).

(vii) In accordance with Section 17-79-1009, a land use applicant or the county may file a petition for review of the decision with the district court within 30 days after the date that the decision is final.

Section 41. Section **17-79-813** is enacted to read:

17-79-813 (Effective 05/06/26). Exactions for water rights.

(1) Subject to the requirements of this section, a county or, if applicable, the county's culinary water authority shall base any exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.

(2) Except as described in Subsection (3), a culinary water authority shall base an exaction for a culinary water interest on:

(a) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water in accordance with Section 19-4-114; and

(b) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the county.

(3) If a county or culinary water authority determines, in the sole discretion of the county or culinary water authority, that good cause exists, the county or culinary water authority may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (2).

(4)(a) A county shall make public the methodology used to comply with Subsection (2)(b).

(b) A land use applicant may submit a request to the county's governing body an exaction calculation used by the county or the county's culinary water authority under Subsection (2).

(c) A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the county's governing body shall respond with due process.

(5) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (2) on which an exaction for a water interest is based.

(6)(a) A county or the county's culinary water authority may not impose an exaction for

a water interest if:

(i) the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public; or

(ii) the county or the county's culinary water authority does not have a written plan in accordance with Subsection (6)(b).

(b) Beginning on January 1, 2028, a county shall determine the county's water interests needed to meet the reasonable future water requirement of the public by completing a written plan described in Subsection 73-1-4(2)(f).

Section 42. Section **17-79-901** is amended to read:

17-79-901 (Effective 05/06/26). Enforcement -- Limitations on a county's ability to enforce an ordinance by withholding a permit or certificate.

(1)(a) A county or [~~an adversely affected party~~] a land use applicant may, in addition to other remedies provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) A county need only establish the violation to obtain the injunction.

(2)(a) Except as provided in Subsections (3) through (6), a county may enforce the county's ordinance by withholding a building permit or certificate of occupancy.

(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within a county without approval of a building permit.

(c) The county may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

(d) A county may require an applicant to install a permanent road, cover a temporary road with asphalt or concrete, or create another method for servicing a structure that is consistent with Appendix D of the International Fire Code, before receiving a certificate of occupancy for that structure.

(e) A county may require an applicant to maintain and repair a temporary fire apparatus road during the construction of a structure accessed by the temporary fire apparatus road in accordance with the county's adopted standards.

(f) A county may require temporary signs to be installed at each street intersection once construction of new roadway allows passage by a motor vehicle.

(g) A county may adopt and enforce any appendix of the International Fire Code, 2021 Edition.

(3)(a) A county may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:

(i) unless the infrastructure improvement is essential to meet the requirements for the issuance of a building permit or certificate of occupancy under Title 15A, State Construction and Fire Codes Act; and

(ii) for which the county has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 17-79-707, or an infrastructure improvement for the development.

(b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6, infrastructure improvement that is essential means:

(i) for a building permit:

(A) operable fire hydrants installed in a manner that is consistent with the county's adopted engineering standards; and

[~~(ii)~~] (B) for temporary roads used during construction, a properly compacted road base installed in a manner consistent with the county's adopted engineering standards[~~.~~] ;

(ii) for a certificate of occupancy, at the discretion of the county, at least one of the following:

(A) a permanent road;

(B) a temporary road covered with asphalt or concrete; or

(C) another method for accessing a structure consistent with Appendix D of the International Fire Code; and

(iii) public infrastructure necessary for the health, life, and safety of the occupant.

(c) A county may not adopt an engineering standard that requires an applicant to install a permanent road or a temporary road with asphalt or concrete before receiving a building permit.

(4) A county may not deny an applicant a building permit or certificate of occupancy for failure to:

(a) submit a private landscaping plan, as defined in Section 17-79-707; or

(b) complete a landscaping improvement that is not a public landscaping improvement, as defined in Section 17-79-707.

(5) A county may not withhold a building permit based on the lack of completion of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot where a single-family or two-family residence or town home is proposed in a building

permit application if an improvement completion assurance has been posted for the incomplete portion of the public sidewalk.

(6) A county may not prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement, as defined in Section 17-79-707, or an infrastructure improvement based on the lack of installation of a public sidewalk if an improvement completion assurance has been posted for the public sidewalk.

(7) A county may not redeem an improvement completion assurance securing the installation of a public sidewalk sooner than 18 months after the date the improvement completion assurance is posted.

(8) A county shall allow an applicant to post an improvement completion assurance for a public sidewalk separate from an improvement completion assurance for:

(a) another infrastructure improvement; or

(b) a public landscaping improvement, as defined in Section 17-79-707.

(9) A county may withhold a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two-family residence or town home is completed and accepted by the county.

Section 43. Section **17-79-1001** is amended to read:

17-79-1001 (Effective 05/06/26). Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

(1)(a) [~~Each~~] Subject to Subsection (1)(d), each county adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities.

(b) An appeal authority shall hear and decide:

(i) requests for [~~variances~~] a variance from [~~the terms of~~] a land use [~~ordinances~~] ordinance;

(ii) appeals from a land use [~~decisions~~] decision applying a land use [~~ordinances~~] ordinance; and

(iii) appeals from a fee charged in accordance with Section 17-79-802.

(c) An appeal authority may not hear an appeal from the enactment of a land use regulation.

(d) Beginning on July 1, 2026, a county described in Subsection 17-79-302(5)(a)(i) may not designate the county's legislative body as an appeal authority.

(e) Notwithstanding Subsection (1)(d), a legislative body shall continue to be the appeal

authority for an appeal if:

(i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal: and

(ii) the appellant filed the appeal on or before June 30, 2026.

(2) As a condition precedent to judicial review, each adversely affected party or land use applicant shall timely and specifically challenge a land use authority's land use decision, in accordance with local ordinance.

(3) An appeal authority described in Subsection (1)(a):

(a) shall:

(i) act in a quasi-judicial manner; and

(ii) serve as the final arbiter of issues involving the interpretation or application of a land use [~~ordinances~~] ordinance; and

(b) may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.

(4) By ordinance, a county may:

(a) designate a separate appeal authority to hear requests for variances than the appeal authority the county designates to hear appeals;

(b) designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;

(c) require an adversely affected party to present to an appeal authority every theory of relief that the adversely affected party can raise in district court; and

[~~(d) not require a land use applicant or adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies; and~~]

[~~(e)~~] (d) provide that specified types of land use decisions may be appealed directly to the district court.

(5) A county may not:

(a) require a public hearing for a request for a variance or land use appeal[~~.~~] ; or

(b) require a land use applicant or adversely affected party to pursue successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies.

(6) If the county establishes or, before May 2, 2005, has established a multiperson board, body, or panel to act as an appeal authority, at a minimum the board, body, or panel shall:

(a) notify each of the members of the board, body, or panel of any meeting or hearing of the board, body, or panel;

(b) provide each of the members of the board, body, or panel with the same information and access to municipal resources as any other member;

(c) convene only if a quorum of the members of the board, body, or panel is present; and

(d) act only upon the vote of a majority of the convened members of the board, body, or panel.

Section 44. Section **17-79-1005** is repealed and reenacted to read:

17-79-1005 (Effective 05/06/26). Burden of proof.

In an appeal described in this part:

(1) if the appellant is a land use applicant, the appellant has the burden of proving that the land use authority's land use decision is illegal or is not supported by substantial evidence; or

(2) if the appellant is an adversely affected party, the appellant has the burden of proving that the land use authority's land use decision is illegal, or that the factual findings are clearly erroneous.

Section 45. Section **17-79-1006** is amended to read:

17-79-1006 (Effective 05/06/26). Due process.

(1) [~~Each~~] An appeal authority shall conduct each appeal and variance request as described by local ordinance.

(2) [~~Each~~] An appeal authority shall respect the due process rights of [~~each of the participants~~] an appeal participant.

(3) An appeal authority may only allow the following people to participate or speak during an appeal hearing:

(a) the appellant or the appellant's representatives;

(b) the land use applicant or the land use applicant's representatives; and

(c) the county's representatives.

Section 46. Section **17-79-1007** is amended to read:

17-79-1007 (Effective 05/06/26). Scope of review of factual matters on appeal -- Appeal authority requirements.

(1) A county may, by ordinance, designate the scope of review of factual matters for appeals of land use authority decisions.

(2) If the county fails to designate a scope of review of factual matters, the appeal authority shall review the [~~matter~~] factual matters de novo, without deference to the land use

authority's determination of the factual matters.

(3) If the scope of review of factual matters is on the record, the appeal authority shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.

(4) The appeal authority shall:

(a) determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and

(b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

(5)(a) An appeal authority's land use decision is a quasi-judicial act.

(b) [~~A~~] Except as provided in Subsection (5)(c), a legislative body may not act as an appeal authority unless both the legislative body and the appealing party agree to allow a third party to act as the appeal authority.

(c) Beginning on July 1, 2026, the legislative body of a county described in Subsection 17-79-302(5)(a)(i) may not act as an appeal authority unless:

(i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal; and

(ii) the appellant filed the appeal on or before June 30, 2026.

(6) Only a decision in which a land use authority has applied a land use regulation to a particular land use application, person, or parcel may be appealed to an appeal authority.

Section 47. Section **17-79-1009** is amended to read:

17-79-1009 (Effective 05/06/26). No district court review until administrative remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court review -- Record on review -- Staying of decision.

(1) [~~No~~] A person may challenge in district court a land use decision [~~until that~~] if the person has exhausted the person's administrative remedies as provided in [~~Part 7, Appeal Authority and Variances~~] this part, if applicable.

(2)(a) Subject to Subsection (1), a land use applicant or adversely affected party may file a petition for review of a land use decision with the district court within 30 days after the decision is final.

(b)(i) The time under Subsection (2)(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman under Section 13-43-204 until 30 days after:

(A) the arbitrator issues a final award; or

(B) the property rights ombudsman issues a written statement under Subsection 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

(ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.

(iii) A request for arbitration filed with the property rights ombudsman after the time under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

(3)(a) A court shall:

(i) presume that a land use regulation properly enacted under the authority of this chapter is valid; and

(ii) determine only whether:

(A) the land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and

(B) it is reasonably debatable that the land use regulation is consistent with this chapter.

(b) A court shall presume that a final land use decision of a land use authority or an appeal authority is valid unless the land use decision is:

(i) arbitrary and capricious; or

(ii) illegal.

(c)(i) A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record.

(ii) A land use decision is illegal if the land use decision:

(A) is based on an incorrect interpretation of a land use regulation;

(B) conflicts with the authority granted by this title; or

(C) is contrary to law.

(d)(i) A court may affirm or reverse a land use decision.

(ii) If the court reverses a land use decision, the court shall remand the matter to the land use authority with instructions to issue a land use decision consistent with the court's decision.

(4) The provisions of Subsection (2)(a) apply from the date on which the county takes final action on a land use application, if the county conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice of the pending land use decision.

(5) If the county has complied with Section 17-79-205, a challenge to the enactment of a

land use regulation[~~, or~~] , general plan, or specified land use law may not be filed with the district court more than 30 days after the enactment.

(6) A challenge to a land use decision is barred unless the challenge is filed within 30 days after the land use decision is final.

(7)(a) The land use authority or appeal authority, as the case may be, shall transmit to the reviewing court the record of the proceedings of the land use authority or appeal authority, including the minutes, findings, orders and, if available, a true and correct transcript of the proceedings.

(b) If the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this Subsection (7).

(8)(a)(i) If there is a record, the district court's review is limited to the record provided by the land use authority or appeal authority, as the case may be.

(ii) The court may not accept or consider any evidence outside the record of the land use authority or appeal authority, as the case may be, unless that evidence was offered to the land use authority or appeal authority, respectively, and the court determines that the evidence was improperly excluded.

(b) If there is no record, the court may call witnesses and take evidence.

(9)(a) The filing of a petition does not stay the land use decision of the land use authority or appeal authority, as the case may be.

(b)(i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may petition the appeal authority to stay the appeal authority's decision.

(ii) Upon receipt of a petition to stay, the appeal authority may order the appeal authority's decision stayed pending district court review if the appeal authority finds the order to be in the best interest of the county.

(iii) After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an injunction staying the appeal authority's land use decision.

(10) If the court determines that a party initiated or pursued a challenge to a land use decision on a land use application in bad faith, the court may award attorney fees.

Section 48. Section **17B-1-120** is amended to read:

17B-1-120 (Effective 05/06/26). Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

(1) A special district may impose an exaction on a service received by an applicant,

including, subject to Subsection (2), an exaction for a water interest if:

(a) the special district establishes that a legitimate special district interest makes the exaction essential; and

(b) the exaction is roughly proportionate, both in nature and extent, to the impact of the proposed service on the special district.

(2)(a)(i) Subject to the requirements of this Subsection (2), a special district shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.

(ii) Except as described in Subsection (2)(a)(iii), a culinary water authority shall base an exaction for a culinary water interest on:

(A) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water [~~pursuant to~~] in accordance with Section 19-4-114; and

(B) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the special district.

(iii) A special district may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (2)(a)(ii) if the special district, at the special district's sole discretion, determines there is good cause to do so.

(iv) A special district shall make public the methodology used to comply with Subsection (2)(a)(ii)(B). A service applicant may appeal to the special district's governing body an exaction calculation used by the special district under Subsection (2)(a)(ii). A service applicant may present data and other information that illustrates a need for an exaction recalculation and the special district's governing body shall respond with due process.

(v) If requested by a service applicant, the culinary authority shall provide the basis for the culinary water authority's calculations described in Subsection (2)(a)(i).

(b)(i) A special district may not impose an exaction for a water interest if:

(A) the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public[~~, as determined in accordance with Section 73-1-4.~~] ; or

(B) the special district or the special district's culinary water authority does not have a written plan in accordance with Subsection (2)(b)(ii).

(ii) Beginning on January 1, 2028, a special district shall determine the special district's water interests needed to meet the reasonable future water requirement of the public by completing a written plan described in Subsection 73-1-4(2)(f).

(3)(a) If a special district plans to dispose of surplus real property that was acquired under this section and has been owned by the special district for less than 15 years, the special district shall offer to reconvey the surplus real property, without receiving additional consideration, first to a person who granted the real property to the special district.

(b) The person described in Subsection (3)(a) shall, within 90 days after the day on which a special district makes an offer under Subsection (3)(a), accept or reject the offer.

(c) If a person rejects an offer under Subsection (3)(b), the special district may sell the real property.

Section 49. Section **63I-2-210** is amended to read:

63I-2-210 (Effective 05/06/26). Repeal dates: Title 10.

(1) Subsection 10-2a-205(2)(b)(iii), regarding a feasibility study for the proposed incorporation of a community council area, is repealed July 1, 2028.

(2) Section 10-2a-205.5, Additional feasibility consultant considerations for proposed incorporation of community council area -- Additional feasibility study requirements, is repealed July 1, 2028.

(3) Subsection 10-20-904(4)(c), regarding an inspection fee on a qualified water conservancy district, is repealed July 1, 2026.

(4) Section 10-20-626, Structure height, is repealed July 1, 2027.

Section 50. Section **63I-2-217** is amended to read:

63I-2-217 (Effective 05/06/26). Repeal dates: Titles 17 through 17D.

(1) Subsection 17-79-804(4)(c), regarding an inspection fee on a qualified water conservancy district, is repealed July 1, 2026.

(2) Subsection 17-62-102(3), regarding the process for changing a form of county government, is repealed January 1, 2028.

(3) Subsections 17-62-203(10) through (12), regarding the process to create a districting commission and implementing a district map, are repealed July 1, 2029.

(4) Section 17-79-621, Structure height, is repealed July 1, 2027.

Section 51. Section **73-1-4** is amended to read:

73-1-4 (Effective 05/06/26) (Partially Repealed 12/31/30). Reversion to the public by abandonment or forfeiture for nonuse within seven years -- Saved water -- Nonuse application -- Written plan standards for future water.

(1) As used in this section:

(a) "Public entity" means:

(i) the United States;

(ii) an agency of the United States;

(iii) the state;

(iv) a state agency;

(v) a political subdivision of the state; or

(vi) an agency of a political subdivision of the state.

(b) "Public water supplier" means an entity that:

(i) supplies water, directly or indirectly, to the public for municipal, domestic, or industrial use; and

(ii) is:

(A) a public entity;

(B) a water corporation, as defined in Section 54-2-1, that is regulated by the Public Service Commission;

(C) a community water system:

(I) that:

(Aa) supplies water to at least 100 service connections used by year-round residents; or

(Bb) regularly serves at least 200 year-round residents; and

(II) whose voting members:

(Aa) own a share in the community water system;

(Bb) receive water from the community water system in proportion to the member's share in the community water system; and

(Cc) pay the rate set by the community water system based on the water the member receives; or

(D) a water users association:

(I) in which one or more public entities own at least 70% of the outstanding shares; and

(II) that is a local sponsor of a water project constructed by the United States

Bureau of Reclamation.

(c) "Saved water" means the same as that term is defined in Section 73-3-3.

(d) "Shareholder" means the same as that term is defined in Section 73-3-3.5.

(e) "Water company" means the same as that term is defined in Section 73-3-3.5.

(f) "Water supply entity" means an entity that supplies water as a utility service or for irrigation purposes and is also:

(i) a municipality, water conservancy district, metropolitan water district, irrigation district, or other public agency;

(ii) a water company regulated by the Public Service Commission; or

(iii) any other owner of a community water system.

(2)(a) Except as provided in Subsection (2)(b) or (e), when an appropriator or the appropriator's successor in interest abandons or ceases to beneficially use all or a portion of a water right for a period of at least seven years, the water right or the unused portion of that water right is subject to forfeiture in accordance with Subsection (2)(c).

(b)(i) An appropriator or the appropriator's successor in interest may file an application for nonuse with the state engineer.

(ii) A nonuse application may be filed on all or a portion of the water right, including water rights held by a water company.

(iii) After giving written notice to the water company, a shareholder may file a nonuse application with the state engineer on the water represented by the stock.

(iv)(A) The approval of a nonuse application excuses the requirement of beneficial use of water from the date of filing.

(B) The time during which an approved nonuse application is in effect does not count toward the seven-year period described in Subsection (2)(a).

(v) The filing or approval of a nonuse application or a series of nonuse applications under Subsection (3) does not:

(A) constitute beneficial use of a water right;

(B) protect a water right that is already subject to forfeiture under this section; or

(C) bar a water right owner from:

(I) using the water under the water right as permitted under the water right; or

(II) claiming the benefit of Subsection (2)(e) or any other forfeiture defense provided by law.

(c)(i) Except as provided in Subsection (2)(c)(ii), a water right or a portion of the

water right may not be forfeited unless a judicial action to declare the right forfeited is commenced:

(A) within 15 years from the end of the latest period of nonuse of at least seven years; or

(B) within the combined time of 15 years from the end of the most recent period of nonuse of at least seven years and the time the water right was subject to one or more nonuse applications.

(ii)(A) The state engineer, in a proposed determination of rights filed with the court and prepared in accordance with Section 73-4-11, may not assert that a water right was forfeited unless the most recent period of nonuse of seven years ends or occurs:

(I) during the 15 years immediately preceding the day on which the state engineer files the proposed determination of rights with the court; or

(II) during the combined time immediately preceding the day on which the state engineer files the proposed determination of rights consisting of 15 years and the time the water right was subject to one or more approved nonuse applications.

(B) After the day on which a proposed determination of rights is filed with the court a person may not assert that a water right subject to that determination was forfeited before the issuance of the proposed determination, unless the state engineer asserts forfeiture in the proposed determination, or a person, in accordance with Section 73-4-11, makes an objection to the proposed determination that asserts forfeiture.

(iii) A water right, found to be valid in a decree entered in an action for general determination of rights under Chapter 4, Determination of Water Rights, is subject to a claim of forfeiture based on a seven-year period of nonuse that begins after the day on which the state engineer filed the related proposed determination of rights with the court, unless the decree provides otherwise.

(iv) If in a judicial action a court declares a water right forfeited, on the date on which the water right is forfeited:

(A) the right to beneficially use the water reverts to the public; and

(B) the water made available by the forfeiture:

(I) first, satisfies other water rights in the hydrologic system in order of priority date; and

(II) second, may be appropriated as provided in this title.

(d) Except as provided in Subsection (2)(e), this section applies whether the unused or abandoned water or a portion of the water is:

(i) permitted to run to waste; or

(ii) beneficially used by others without right with the knowledge of the water right holder.

(e) This section does not apply to:

(i) the beneficial use of water according to a written, terminable lease or other agreement with the appropriator or the appropriator's successor in interest;

(ii) a water right if its place of use is contracted under an approved state agreement or federal conservation fallowing program;

(iii) those periods of time when a surface water or groundwater source fails to yield sufficient water to satisfy the water right;

(iv) a water right when water is unavailable because of the water right's priority date;

(v) a water right to store water in a surface reservoir, or an aquifer in accordance with Chapter 3b, Groundwater Recharge and Recovery Act, if the water is stored for present or future beneficial use;

(vi) a water right if a water user has beneficially used substantially all of the water right within a seven-year period, provided that this exemption does not apply to the adjudication of a water right in a general determination of water rights under Chapter 4, Determination of Water Rights;

(vii) except as provided by Subsection (2)(g), a water right:

(A)(I) owned by a public water supplier;

(II) represented by a public water supplier's ownership interest in a water company; or

(III) to which a public water supplier owns the right of beneficial use; and

(B) conserved or held for the reasonable future water requirement of the public, which is determined according to Subsection (2)(f);

(viii) a supplemental water right during a period of time when another water right available to the appropriator or the appropriator's successor in interest provides sufficient water so as to not require beneficial use of the supplemental water right;

(ix) a period of nonuse of a water right during the time the water right is subject to an approved change application where the applicant is diligently pursuing certification;

(x) a water right to store water in a surface reservoir if:

(A) storage is limited by a safety, regulatory, or engineering restraint that the appropriator or the appropriator's successor in interest cannot reasonably correct; and

(B) not longer than seven years have elapsed since the limitation described in Subsection (2)(e)(x)(A) is imposed;

(xi) a water right subject to an approved change application for use within a water bank that has been authorized but not dissolved under Chapter 31, Water Banking Act, during the period of time the state engineer authorizes the water right to be used within the water bank; or

(xii) subject to Subsection (2)(h), that portion of a water right that is quantified as saved water in a final order from the state engineer approving a change application, but not to exceed the amount subsequently verified by the state engineer in a certificate issued under Section 73-3-17.

(f)(i) The reasonable future water requirement of the public is the amount of water needed in the next 40 years by:

(A) the persons within the public water supplier's reasonably anticipated service area based on reasonably anticipated population growth; or

(B) other water use demand.

(ii) For purposes of Subsection (2)(f)(i), a community water system's reasonably anticipated service area:

(A) is the area served by the community water system's distribution facilities; and

(B) expands as the community water system expands the distribution facilities in accordance with Title 19, Chapter 4, Safe Drinking Water Act.

[~~(iii) The state engineer shall by rule made in accordance with Subsection 73-2-1(4) establish standards for a written plan that may be presented as evidence in conformance with this Subsection (2)(f), except that before a rule establishing standards for a written plan under this Subsection (2)(f) takes effect, in addition to complying with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state engineer shall present the rule to:~~]

[~~(A) if the Legislature is not in session, the Natural Resources, Agriculture, and Environment Interim Committee; or~~]

[~~(B) if the Legislature is in session, the House of Representatives and Senate Natural Resources, Agriculture, and Environment standing committees.~~]

(iii) In accordance with Subsection 73-2-1(4) and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state engineer shall make rules to establish standards for a written plan under this Subsection (2)(f) that:

(A) determines the reasonable future water requirement of the public for a public water supplier; and

(B) a public water supplier shall complete to demonstrate compliance with this Subsection (2)(f).

(iv) The state engineer shall present rules developed under Subsection (2)(f)(iii), before the rules take effect, to:

(A) if the Legislature is not in session, the Natural Resources, Agriculture, and Environment Interim Committee; or

(B) if the Legislature is in session, the House and Senate Natural Resources, Agriculture, and Environment standing committees.

(v) The rules that the state engineer makes to establish standards for a written plan in accordance with Subsection (2)(f)(iii) shall include a standard for determining:

(A) a population estimate, including anticipated population growth, consistent with an estimate or methodology under Title 63C, Chapter 20, Utah Population Committee;

(B) an impact of current and future drought conditions;

(C) an anticipated loss of a water source due to a natural disaster, including an earthquake or a change in climate;

(D) an impact of a water conservation activity described in a public water supplier's water conservation plan described in Section 73-10-32;

(E) the amount of water a public water supplier needs per capita; and

(F) any other factor relevant to establishing the reasonable future water requirement of the public for a public water supplier.

(g) For a water right acquired by a public water supplier on or after May 5, 2008, Subsection (2)(e)(vii) applies if:

(i) the public water supplier submits a change application under Section 73-3-3; and

(ii) the state engineer approves the change application.

(h) Saved water does not retain the protection of Subsection (2)(e)(xii) and any period of nonuse for saved water begins to run the day on which:

(i) the underlying water right that serves as the basis for the saved water is declared by court decree to have been lost due to forfeiture under this section; or

(ii) the title of a right to saved water segregated under Section 73-3-27 is conveyed independent of the underlying water right.

(3)(a) The state engineer shall furnish a nonuse application form requiring the following information:

(i) the name and address of the applicant;

(ii) a description of the water right or a portion of the water right, including the point of diversion, place of use, and priority;

(iii) the quantity of water;

(iv) the period of use;

(v) the extension of time applied for;

(vi) a statement of the reason for the nonuse of the water; and

(vii) any other information that the state engineer requires.

(b)(i) Upon receipt of the application, the state engineer shall publish a notice of the application once a week for two successive weeks:

(A) in a newspaper of general circulation in the county in which the source of the water supply is located and where the water is to be beneficially used; and

(B) as required in Section 45-1-101.

(ii) The notice shall:

(A) state that an application has been made; and

(B) specify where the interested party may obtain additional information relating to the application.

(c) An interested person may file a written protest with the state engineer against the granting of the application:

(i) within 20 days after the notice is published, if the adjudicative proceeding is informal; and

(ii) within 30 days after the notice is published, if the adjudicative proceeding is formal.

(d) In a proceeding to determine whether the nonuse application should be approved or rejected, the state engineer shall follow Title 63G, Chapter 4, Administrative Procedures Act.

(e) After further investigation, the state engineer may approve or reject the application.

(4)(a) The state engineer shall grant a nonuse application on all or a portion of a water right for a period of time not exceeding seven years if the applicant shows a reasonable cause for nonuse.

(b) A reasonable cause for nonuse includes:

(i) a demonstrable financial hardship or economic depression;

(ii) a physical cause or change that renders use beyond the reasonable control of the water right owner so long as the water right owner acts with reasonable diligence to resume or restore the use;

(iii) the initiation of water conservation or an efficiency practice, or the operation of a groundwater recharge recovery program approved by the state engineer;

(iv) operation of a legal proceeding;

(v) the holding of a water right or stock in a mutual water company without use by a water supply entity to meet the reasonable future requirements of the public;

(vi) situations where, in the opinion of the state engineer, the nonuse would assist in implementing an existing, approved water management plan; or

(vii) the loss of capacity caused by deterioration of the water supply or delivery equipment if the applicant submits, with the application, a specific plan to resume full use of the water right by replacing, restoring, or improving the equipment.

(5)(a) Sixty days before the expiration of a nonuse application, the state engineer shall notify the applicant by mail or by a form of electronic communication through which receipt is verifiable, of the date when the nonuse application will expire.

(b) An applicant may file a subsequent nonuse application in accordance with this section.

Section 52. **Effective Date.**

(1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

(2) The actions affecting Section 10-21-304 **(Effective 10/01/26)** take effect on October 1, 2026.